citizens the right to a basic standard of living, and a quality of life commensurate with their contribution to this Nation. I will not tolerate any additional burdens or harrassments due to lack of communication with any agency of the Federal Government.

The letters referred to follow:

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 14, 1970.

Commissioner RANDOLPH W. THROWER,
Internal Revenue Building,
Washington, D.C.

DEAR COMMISSIONER THROWER: Enclosed are copies of a proposed penalty tax set against one of my constituents, her letter to me, and a letter I have sent to the Social Security Administration.

It is my judgment that some place along the line, communications have either broken down or never have existed between your office, Social Security, and some 20 million retirees.

At your earliest opportunity, I would like your comments on why it took 18 months to inform my constituent that she was to pay her taxes quarterly.

Pending your reply, and a reply from the Social Security Administration, I am requesting that the IRS withhold any attempts to collect the proposed penalty.

Sincerely yours,

JACK MCDONALD,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 14, 1970.

Commissioner ROBERT M. BALL,
Social Security Administration Headquarters,
Baltimore, Md.

DEAR COMMISSIONER BALL: One of my constituents (letter attached) has been fined by the Internal Revenue Service for failure to pay her income tax quarterly, as prescribed by law. From her letter, I gather she was not informed upon retirement that she would have to pay quarterly.

There is an apparent lack of communications between retirees and regional Social Security offices. Will you inform me at your earliest opportunity whether retirees are informed of this regulation at the time of their retirement? And if no, why not?

Pending your answer, I am requesting the IRS to withhold any attempts to collect the penalty from my constituent.

Sincerely yours,

JACK MCDONALD,
Member of Congress.

SENATE—*Wednesday, December 16, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. BIRCH BAYH, a Senator from the State of Indiana.

The Reverend Dr. C. Ralston Smith, director of development, Christianity Today, Washington, D.C., offered the following prayer:

Almighty God, our gracious Heavenly Father, we thank Thee for Thy generous treatment of us and all men. We recall with gratitude that Thou dost cause Thy sun to shine on the evil and the good; and dost send Thy rain on the just and the unjust.

We commend to Thee this deliberative body of our Government. Thou alone knowest the opportunities for service awaiting and the temptations to default lurking ahead in this day. May Thy wisdom guide and Thy courage empower these leaders of our people. Let the wills of the Senators conform to Thy will, and the ends which they seek be agreeable to Thy purposes for our Nation.

We seek Thy blessing also for our President and the leaders of his Cabinet. Endue them plentifully with grace and understanding that the fulfillment of their hopes might be a means of peace in this country and among the family of nations.

Finally, watch over our fellow citizens in the service of our country. Wherever they are, let them sense Thy nearness and Thy love. Let this be true particularly for those imprisoned and their waiting families, longing for an early joyous reunion.

These things we implore in the name of Bethlehem's Babe, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 16, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BIRCH BAYH, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business, which the clerk will state.

The legislative clerk read as follows:

H.R. 19911, to amend the Foreign Assistance Act of 1961, and for other purposes.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Florida (Mr. HOLLAND) for 30 minutes.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Florida yield to me for a few unanimous-consent requests?

Mr. HOLLAND. I am happy to yield to the majority leader for that purpose.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, December 15, 1970, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

NOTICE OF OBJECTION TO COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, for the information of the Senate, after discussing this matter with the distinguished minority leader, the leadership wishes to serve notice that we will object to any committees meeting after today, except under extraordinary circumstances. This, of course, does not apply to conference committees and does not apply to the permission granted by the Chair for committees to meet today.

We think, however, that Senators should be here facing up to the issues and participating in debate and, hopefully, helping to make some progress not only on the unfinished business but also on other matters before the Senate.

Time is growing short. We have a collective responsibility as well as an individual responsibility. I would hope that all Senators would subordinate their personal feelings to the collective will of the Senate, so that we may complete as much of the business before us as possible in the few days remaining.

Mr. SCOTT. Mr. President, will the Senator from Florida yield to me for a few moments?

Mr. HOLLAND. I am glad to yield.

Mr. SCOTT. With the consent of the distinguished Senator from Florida, and if the distinguished majority leader will yield further, I should like to recall that on yesterday, both of us urged that a vote be taken on the pending amendment as soon as it could be reasonably managed.

I serve notice that if we have extended debate on amendments whose subjects have been discussed for so many weeks in the Senate, I shall make a motion to table these amendments.

I regret to do so. Of course, if anyone can convince me that there is need for more time, in all good reason, then I would certainly be amenable; but time is running out and those who believe that the educative process needs to be continued indefinitely should know that they are depriving someone else's children of enjoying their families at Christmas. That also is an overriding consideration.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ORDER OF BUSINESS

Mr. MOSS. Mr. President, will the distinguished Senator from Florida yield to me for the purpose of submitting a conference report?

Mr. HOLLAND. I am happy to yield to the Senator from Utah for that purpose.

POISON PREVENTION PACKAGING ACT OF 1970—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. BAYH). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pp. 41544–41545, CONGRESSIONAL RECORD.)

Mr. MOSS. Mr. President, S. 2162 is an important bill; it is a practical bill that will produce immediate and direct benefits for the American people. It requires the use of special packaging designed to prevent young children from gaining access to products that can kill or injure them. We are all familiar with the propensity of young children to put into their mouths everything that comes within reach. We are also daily reminded through the tragedies of accidental child poisonings that the products of modern technology can be hazardous to children who do not know their dangers. S. 2162 authorizes the Secretary of the Department of Health, Education, and Welfare to identify products that should be specially packaged and to set performance standards for special packaging. S. 2162 will result in saving lives.

I would like to point out that S. 2162 has bipartisan support. Members of both parties have worked hard for its enactment. The administration supported the bill and backed up its support with hard work in its behalf. Because of bipartisan cooperation and work, we were able to resolve the differences between the House and Senate versions very quickly on Monday. A practical conference might have doomed the bill for this Congress—postponed its benefits for another year or two—because the schedules of House and Senate Members are so crowded with so many high-priority items that time could not have been spared for a lengthy conference.

S. 2162 is an example of what can be done if the administration works for a bill or a concept that it says it supports. Unfortunately, administration effort on behalf of consumer legislation like S. 2162 has been of very infrequent occurrence.

The House made a number of amendments to S. 2162. The primary amendment—to section 4—reflected a basic policy difference. The Senate would have made special packaging the norm for those products for which it was required. The Senate would have permitted use of one size of regular packaging as an exception to the norm in order to accommodate the elderly and handicapped who might experience some difficulty manipulating special packages. The House policy was the opposite of the Senate's: The House would have made special packaging the exception. The Senate policy prevailed in conference.

The rest of the House amendments strengthened and improved the bill and were, consequently, accepted. In particular, the House provided for a more refined, more expeditious, administrative procedure than did the Senate. The procedure was previously used in the Toy Safety and Child Protection Act of 1969—Public Law 91–113. Nonetheless, the bill reported by the conference is essentially the Senate bill and embodies, perhaps in refined form, the Senate's decisions on the various issues involved in the bill. The report of the Commerce Committee—Senate Report 91–845—remains generally applicable as an explanation of S. 2162 with the exception of the specific House amendments adopted.

Mr. President, as a result of the conference held between the Senate and the House, we were able to arrive at an agreement on a bill that I think embodies the best features of the bill as passed in the House and the bill as passed in the Senate.

The conference report contains the provisions most desirable for the protection of our young children, so many of whom are poisoned from playing with household poisons lying around in homes which are in particular so easily accessible to toddlers.

Mr. PEARSON. Mr. President, in the flurry of last-minute legislation, important acts of Congress are often overlooked. Yesterday such a significant though perhaps unnoticed act to improve our quality of life was accomplished. The House/Senate conference on S. 2162, the Poison Prevention Packaging Act of 1970 concluded work authorizing the Secretary of Health, Education, and Welfare to publish regulations to require household poisons, such as furniture polishes, dishwasher detergents, cleaning fluids, as well as certain prescription and over-the-counter drugs to be packaged in special child safety containers.

Mr. President, one child a day dies in the United States of accidental poisoning. Two and one-half million children under the age of 5 are accidentally poisoned each year. Eighty-five percent of all children poisoned are under the age of 5, with 2-year-olds—presumably because they are inclined to explore both under the kitchen sink and the family medicine cabinet—the most frequent victims. The damage done by these dangerous substances to the interior organs of a small child is devastating. In many cases there simply is no satisfactory cure for the harm done.

The legislation formulated by yesterday's conference, Mr. President, will save lives. I consider it one of the most significant acts of this Congress. And I wish to emphasize that without the strong support of this administration, no such legislation could have been passed.

The principal issue of the conference involved section 4 of the bill. Senate language required all dangerous substances covered by the bill to be packaged in special safety containers, allowing only one nonconforming size of any particular product to be marketed. The intention of this section was to accommodate the needs of the aged, the handicapped, and those households without small children by permitting the sale of one size of ordinary packaging. Conversely, the House language would allow all such dangerous substances to be packaged in ordinary containers, requiring only one size of any particular product to be packaged in child safety containers. The practical effect of this language, in my opinion, would have been to nullify the entire legislation. Practically no safety packages would reach the retail level. Small drugstores, for example, because of limited shelf space probably would not stock any safety packages.

Though compromises were offered, the most noteworthy of which being one to allow a 1-to-1 ratio of safety versus ordinary packages, the Senate held firm to its version of the bill. Because we receded to all other House amendments, because our version of the critical section 4 was supported by the American Society of Pediatricians, the AMA, the APhA, and the administration, and because each safety package meant that much more protection for our children, my position and the position of the Senate and the President was adopted. It was a satisfying victory for all of us.

Mr. President, I would like to remind the Senate that President Nixon, in his inaugural address, asked the American people to judge him not by his words, but by his deeds. Understanding that much of our frustration with the problems of this country was seeded by grand promises and not so grand accomplishments, he was determined to do things rather than to promise to do things. S. 2162 is an example of this kind of leadership.

Mr. President, as one who, like all Senators, has disagreed with the President on occasion, I am prompted to give credit where credit is due. Accordingly, I commend the President and all those who carried out his directives for the efforts put forth on behalf of this vital legislation. As ranking Republican on the Senate Consumer Subcommittee of the Commerce Committee and as a member of the conference committee, it was with pride that I represented and supported the President in this effort.

My distinguished colleague and chairman of the Commerce Committee, Senator MAGNUSON; my friend and chairman of the Senate Consumer Subcommittee, Senator Moss; and my able colleague Senator HART, are to be similarly commended.

Mr. President, I think it most appropriate that this historic step was taken a few short days after the White House Conference on Children and Youth was convened. Moreover, at a time of year when we are inclined to remember how precious are the lives of our children and grandchildren, it is most fitting for the Congress of the United States to indicate its commitment to the improved health and safety of children.

I am hopeful that other needed legislation in the field of consumer protection will be considered during the early days of the next Congress. We have more jobs to be tackled in the same determined spirit which made this legislation possible.

Mr. MOSS. Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

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

Mr. MANSFIELD. Is my interpretation of the order to recess on yesterday correct that as soon as the distinguished Senator from Florida (Mr. HOLLAND) completes his remarks, the unfinished business will be laid before the Senate?

The ACTING PRESIDENT pro tempore. The Senate will proceed with the consideration of the pending business, which has been laid before the Senate, unless someone requests the regular order.

Mr. MANSFIELD. What is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is Calendar No. 1448, H.R. 19911, the Special Foreign Assistance Act of 1971.

Mr. MANSFIELD. I thank the Chair.

THE RIGHTS OF THE SEVERAL STATES TO CONTROL THEIR OWN WATER SUPPLY

Mr. HOLLAND. Mr. President, I take the floor of the Senate today to advise Senators of a disturbing situation that has resulted from the passage of H.R. 15166—Public Law 91-282—authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes. The problem which I shall discuss concerns the rights of the several States to control and allocate their supply of fresh water.

At the time of passage of H.R. 15166, I did not oppose the language in the bill which was recommended unanimously by the Senate Public Works Committee, as it raised the monetary authorization for the Central and Southern Florida Flood Control District by $25 million or $5 million over the House bill. This action raised the total monetary authorization from $186.3 million to $206.3 million which was necessary since over $179.3 million of the then current authorization had been appropriated and the requested appropriation for fiscal year 1971, together with additional scheduled obligations would have resulted in a deficit in the monetary authorization and would have prohibited appropriations to maintain current planned construction.

Mr. President, for the information of the Senate I ask unanimous consent that the Senate amendment to the monetary authorization bill, H.R. 15166, be inserted in the RECORD at this point.

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

SEC. 2. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 for the prosecution of the Central and Southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent acts of Congress: *Provided*, That not to exceed $5,000,000 of this authorization shall be available solely for the accelerated construction of borrow canal L-70, canal C-308, canal C-119W, and pumping station S. 326, together with such other works in the plan of improvement as the Director of the National Park Service and the Chief of Engineers agree are necessary to meet the water requirements of the Everglades National Park: *Provided further*, That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the Park, whichever is less.

Mr. HOLLAND. Mr. President, I address myself particularly to the second proviso of this amendment for it is this proviso that causes concern in that the Congress did assign rights to water and believe that this assignment of intrastate water indicates a possible reinterpretation of the States rights provision of the Flood Control Act of 1944. I read that proviso:

That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the Park, whichever is less.

Mr. President, my colleague, Senator GURNEY, and I believed this to be the best course of action in order to assure the continued orderly construction of the Central and Southern Florida Flood Control District, particularly since the amendment added $5 million which was earmarked for construction as quickly as practical of conveyance facilities necessary, in the joint opinion of the Corps of Engineers and the National Park Service, to meet the requirement of the Everglades National Park. Further, under the proposed releases of water to the park, we did not believe that any great difficulty would arise for many years. Also the officials of the State of Florida and the National Park Service had reached an amicable interim solution covering the period of construction.

Mr. President, there is one particular reservation I have regarding this amendment to H.R. 15166 and that is that the condition contained in the amendment dealing with the Central and Southern Florida Flood Control District presents a serious question relating to the settled law governing water rights—as to whether State or Federal decisions are controlling. In agreeing to the amendment, we have not agreed that the State relinquishes its rights to its water, a position fought against for years, not only in the State of Florida but also in other areas of the Nation. In other words the State will, of course, have the right to defend its water rights in the courts, if such course becomes necessary or advisable.

It has long been our position that substantial doubt exists as to whether Federal statutes grant or can grant to the Department of the Army or the Corps of Engineers the right to regulate water for other than flood control purposes. In the past when Congress has legislated on this subject and attempted to do anything in the area of water rights, it has done so clearly and in many cases has put specific provisos into authorizing legislation that such was not intended to affect water rights. In other words, Mr. President, when you move beyond flood control and into water supply purposes, the authority of the Federal Government is questionable and, I think, limited. Therefore, specific allocation of States water supply can become a matter of litigation in the courts. In this connection, it is interesting to note that the Department of Justice was requested to rule on this instant matter some months ago; no ruling has been forthcoming.

I am sure most Senators are aware of the policy of the Congress established in 1944 by the passage of H.R. 4485 (Public Law 78-534). The policy as stated in the law is:

In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood control, as herein authorized, it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and construction of navigation works to those in which a substantial benefit to navigation will be realized therefrom and which can be operated consistently with appropriate and economic use of the waters of such rivers by other users.

Mr. President, during consideration of H.R. 15166 by the Public Works Committee, the question regarding an adequate supply of water to the Everglades National Park arose in connection with the increase in the monetary authorization for the Central and Southern Florida Flood Control project.

Mr. President, since the inception of the Central and Southern Florida Flood Control project, the need for an adequate supply of water for the Everglades National Park has been recognized, and I state for the record that I, personally, want the necessary water supply to be assured to maintain the ecology of the park. As one who had much to do with the establishment of the park, both as Governor and later as Senator, I do not want to see any action taken that would

in any way jeopardize the continuation of the park in its natural state.

Mr. President, the question of an adequate supply of water for the Everglades National Park is not a new one. I am sure Members of this body will recall that the report of the committee—Senate Report 91–528—accompanying the public works appropriation bill for fiscal year 1970, made reference to the water supply to the Everglades National Park and directed that the State, the Department of the Interior and the Department of the Army "complete as soon as possible the current negotiations in developing an operating agreement which will insure deliveries of water to the Everglades National Park."

The report further directed the Corps of Engineers to review the water resources needs in central and southern Florida by 1980 to determine whether further modifications of the project are warranted. As a result of this directive of the Appropriations Committee, Randolph Hodges, executive director, Department of Natural Resources, State of Florida, under date of December 11, 1969, wrote the Department of the Army suggesting a meeting of the agencies concerned in order to comply with the committee's request contained in its report referred to above. As of January 22, 1970, the State of Florida had not received a reply from the Federal agencies. I, therefore, wrote the chairman of the subcommittee, the Senator from Louisiana (Mr. ELLENDER), requesting that he set down a meeting of all interested agencies in an effort to arrive at an agreement regarding the water supply to the Everglades National Park. The meeting was called by Senator ELLENDER for February 16, 1970, and I was happy to participate in it. At that time it was my understanding that an interim agreement had been reached and that a subsequent meeting would be held to resolve other questions pertinent to the problem. The transcript of the meeting of February 16, 1970, was printed and is available for any Senator who may desire it. A meeting was later held by the interested agencies in Miami on March 12, 1970, at which time an agreement was reached by all interested State and Federal agencies concerned as to the course of action to be pursued in the effort to assure an adequate water supply to the Everglades National Park. I ask unanimous consent that a summary of that meeting as prepared by the State of Florida, Department of Natural Resources, be printed in the RECORD at this point.

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

SUMMARY

1. Everglades National Park can accept the 260,000 acre-feet of water scheduled for delivery to the Park by months for a two-year period, as agreed to in the interim program, pending construction of conveyance facilities to Taylor Slough and the panhandle section of the Park. This acceptance is contingent upon action on the pending request of the Department of the Interior to the U.S. Attorney General. When facilities required for delivery of water to Taylor Slough and the southeastern panhandle of the Park are completed and the project works constructed around Lake Okeechobee to permit raising the water level in the lake to an elevation of 17.5 feet above mean sea level, the interim schedule of deliveries of water to the Park will then be reviewed to achieve the purpose of improving performance toward the objective of an annual delivery of 315,000 acre-feet plus available excess water.

2. It was agreed that the Corps of Engineers and the State will develop and present to Congress funding requirements for a five-year construction program in accordance with Paragraph 112, pages 75–76, of House Document No. 369, to expedite completion of project facilities needed to improve performance of the system in supplying water to the Everglades National Park in addition to meeting other requirements of the project. The schedule of funding required for such five-year program will be presented to all interested agencies within 30 days for their use in appropriate supporting action to obtain additional funding to expedite construction of the project.

3. The question of priority water rights for the Everglades National Park was deferred since there is a conflict between the Department of the Interior and the other agencies concerned in interpreting the authority granted by Congress as defined in the report. In view of this outstanding question, any course of action agreed to by the National Park Service concerning the south Florida water project is subject to change depending on opinion rendered by the U.S. Attorney General regarding water rights of project users. In like manner, any opinion considered adverse to Florida water interests may be challenged by the State through court action.

Mr. HOLLAND. Mr. President, in further regard to the need of an adequate water supply to the Everglades National Park, I ask unanimous consent to have printed into the RECORD at this point a press release dated August 6, 1970, from the Central and Southern Florida Flood Control District announcing that "the millionth acre foot of water this year was released to Everglades National Park today"—August 6.

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

WEST PALM BEACH.—August 6, 1970—The millionth acre foot of water this year was released to Everglades National Park today from the Central and Southern Florida Flood Control District's Everglades Wilderness Area.

FCD Board Chairman Robert P. Blakeley, in making the announcement states: "This is more than three times the park's annual requirement and we still have nearly four months to go and these are normally the months with the most rainfall."

The national park has received more than a million acre feet of water per year during four of the past five years. Last year a record total of 1,766,320 acre feet of water was released to the park. This tops any year since records were started in 1940.

Last year's record breaking 1.7 million acre feet was greater than the combined total of 1947 and 1948, the two years prior to the start of the Flood Control Project. In 1947 some 808,980 acre feet flowed into the park and in 1947 only 570,280 feet made its way to the park.

A million acre feet of water is such a tremendous amount it is difficult to comprehend. One acre foot of water is the amount needed to cover one acre of land one foot deep. Another way to put it is that if you took a bath every day for 52 years you would not use up one acre foot of water. Now, a million acre feet of water would supply the municipal water needs of the City of West Palm Beach for 66 years, or it could supply the City of Miami for a little better than 6½ years.

At this month's meeting of the FCD Governing Board Vice Chairman Robert Padrick asked a park official if he was satisfied with water conditions. When he received no reply, Padrick predicted that there would come a day when park officials will come to the district and complain about too much water.

Mr. HOLLAND. Mr. President, I have mentioned the Everglades National Park not for the purpose of indicating in any way that the park should not receive a supply of water sufficient to maintain its ecological system for I am in full accord with that position and so is our State. Our State has more involved in the Everglades National Park than any other part of the Nation. We granted 850,000 acres of land and water to the Federal Government for inclusion in the park and in addition granted $2 million for acquisition, and besides that we get the major advantage from the park. I think it is sound to state that not only the officials but also the citizens generally of the State of Florida have a greater interest in the preservation of the Everglades National Park than any other group of citizens. And I mention also that the State of Florida is also in accord with that position as I have indicated previously. I am more concerned, Mr. President, with the effect that H.R. 15166 (Public Law 91–282) may have in modifying or changing the previously announced policy of the Congress with reference to the allocation of any State's water supply. I believe it very important for all Senators to understand that the action taken by the Public Works Committee, and approved by the Congress in Public Law 91–282, does not affect Florida alone for, in effect, the action not only amends the previous authorizing acts for the Central and Southern Florida Flood Control project but it may be considered as establishing a precedent whereby the Senate may amend any other project previously authorized, regardless of its construction status, to conform to the will of the Federal Government to improve and to allocate State's water for any purpose. In my opinion the action, in passing H.R. 15166 (Public Law 91–282) does not accord with the policy of the Congress in the passage of H.R. 4485 in 1944 (Public Law 78–534).

It is the opinion of the Senator from Florida that as a result of the passage of H.R. 15166 (Public Law 91–282) any time a problem arises in any State, including the 17 western reclamation States, the States comprising Appalachia and the States within the TVA area, the Federal Government may seek to step in and determine the allocation of the States' waters, regardless of the intent of previous authorizations. This may present a serious situation to all areas of the country and a majority of the States of the Nation.

Mr. President, the Congress should carefully consider this matter with a view toward further clarifying the rights of the States in determining water utilization and control as previously stated in Public Law 78–534 and, in my opinion, overlooked and effectively bypassed by H.R. 15166 (Public Law 91–282) insofar as the Central and Southern Florida Flood Control project is concerned.

I might add, Mr. President, that those

Senators interested in this subject, particularly those from the areas I previously mentioned, might well read the House debate in the CONGRESSIONAL RECORDS of May 8 and 9, 1944, and the Senate debate of November 16 through December 1, 1944. The legislative history of Public Law 78–534, and more particularly the legislative intent of the declarations of policy contained in the law which was known as the O'Mahoney-Milliken amendment, made it quite clear that the States have control over the water within their respective borders.

Mr. President, I am bringing this matter up at this time, just before I leave the Senate, only to alert those Senators interested in preserving the rights of the several States to allocate water and to point out the possible far-reaching effect the legislation as recently passed by the Congress, H.R. 15166 (Public Law 91–282) might have on future problems that may arise within their respective States.

In closing, let me say again that the fixed permanent policy of the Congress is "to recognize the interests and rights of the States in determining the development of watersheds within their borders and, likewise, their interests and rights in water utilization and control." This policy was established only after the most careful and lengthy debate in Congress, and has now been materially weakened by the enactment of H.R. 15166 (Public Law 91–282), which, incidentally, was passed on the Consent Calendar without debate. I strongly urge upon those Senators who will return for the convening of the 92d Congress that action be initiated to reaffirm the States rights provision of the 1944 act.

Mr. MOSS. Mr. President, before the Senator yields the floor, will he yield to me briefly?

Mr. HOLLAND. I am glad to yield to the Senator from Utah.

Mr. MOSS. Mr. President, I wish to commend the Senator from Florida for his address on this very important problem of the involvement of the States in the water rights question. The problem is somewhat different in Western States but it is probably more urgent. For a number of years I have been concerned and members of the Committee on Interior and Insular Affairs have been concerned about the problem in the conflict of State and Federal water rights and we have never fully satisfied ourselves that the problem is settled. We have had bills before us but none has passed and the matter is still something of a question.

The Senator from Florida has presented here for the Senate the problem as it applies in the State of Florida, and it is a similar problem that I think needs careful delineation because bit by bit in Western States what amounts to a Federal encroachment that is casting a shadow over the powers of the States to allocate waters to put them to beneficial use, as we do in the West in the arid part of the country, and which is the absolute lifeblood of the West. Without proper and adequate use of water I feel we cannot continue to grow.

I commend the Senator for his exposition today and to tell him I think he has rendered a great service by bringing this matter before the Senate for consideration either in this session or, as he pointed out, in the 92d Congress.

Mr. HOLLAND. Mr. President, I certainly appreciate the comment of the distinguished Senator from Utah. My statements were made today, first, to alert Members of the Senate to this apparent and somewhat minor departure, but it is a departure, from the general rule heretofore announced and strongly maintained by all the States, as far as I know, without any change; second, to make clear that the State of Florida does not surrender but preserves its right to go to court in the event subsequent action should be taken not in accordance with its best interests; and, third, to call attention to the fact that this departure from the established rule is something of general concern, and I know what it means in Western States.

I had the honor not many years ago of attending a conference of western and southern Governors, and almost the whole of that conference was consumed in hearing discussions of various States along the Colorado and other rivers as to the utilization of their waters and their insistence that that water was theirs and should be so considered and regarded as a matter of law in the development of those States which are in the process of very great development.

Mr. MOSS. The Senator has rendered a great service.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. GRAVEL. Mr. President, what is the pending question?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment of the Senator from Alaska.

Mr. GRAVEL. Mr. President, I would like at this time to yield the floor to my distinguished colleague from South Carolina without losing my right to the floor.

Mr. DOLE. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, I would like to reexplain the purpose of my amendment, which I thought I had made abundantly clear yesterday. The amendment would deny officially $155 million in funds to wage war in an indirect fashion in Cambodia. I say "deny officially" because the administration is not denied in fact from utilizing these funds. They can take them from other sections of the budget, as they have for the last 8 months to utilize as they see fit.

What the administration has done with this proposal is, in essence, to "Tonkinize" the events of last April 30. I say "Tonkinize" because a unilateral act of policy was initiated by the administration. It was an act that was not popular with the populace of this country. In order to place the stamp of approval on that policy, the administration must now broaden the responsibility. The method of doing that, of course, is to seek the approval of the House and the Senate in this activity. This the administration is doing by this special request—special request because this was not a subject that was previously discussed as a possible course of action during the lame duck session. It was a request that was initiated after the election. It was a request that the administration, in my mind, probably did not think it could secure, but, realizing the legislative exigencies of the 11th hour, it was certainly a tactic worth trying to dump this legislation in to see if it would fly.

Of course, it did fly. It flew in the committee. It flew in the House. It flew on the floor of the Senate on Monday. Of course, it was yesterday that this flying was brought to an abrupt halt.

In the course of yesterday's debate with the Senator from Iowa, the point was made that our "incursion"—and that is the kindest word that could be used in this regard—into Cambodia was not only legal but was an exercise of our responsibility, under the theory that disruptive activity by a country could be disciplined, if not by the United Nations then by the regional power in the area—the regional power in the area, of course, being SEATO. So the inference was that our incursion, or what some choose to call an invasion, into Cambodia was part of this exercise, was living up to our treaty obligations under SEATO, and was certainly within the parameters of acceptable action under the United Nations Charter.

I would like at this particular point to make a brief analysis to show that in both instances, with respect to the United Nations Charter and with respect to our agreements and our treaty obligations under SEATO, this Nation was in total violation of that treaty obligation and was in total violation of the United Nations Charter.

I think it is important to lay the legal framework for this proposition, because Americans get caught up in a certain chauvinism and suppose that it is always the enemy who breaks the law and that we are always the obeyers of the law. Irrespective of what we do, it is in accordance with law, order, and propriety. That is unfortunate, because we, like others, are responsible for some very fine action and also responsible for some very poor actions.

I think the Cambodian incursion—or invasion—had a very simply purpose—a short-range tactical benefit, that being the protecting and shoring up of the existence of the government of Lon Nol, which was less than 2 months old. That would be the overall political benefit. The tactical benefit was to surgically cut out the caches of arms or the headquarters. In fact, I remember so vividly the President's statement on the action, when he first took to television, saying they were looking for the headquarters. Of course, that headquarters was never found and, of course, was never destroyed. Subsequent appearance on television told us of the tremendous victory in capturing small amounts of ammunition and rifles.

Let us now look at the legal principle involved. U.S. military operations in Cambodia violate article IV of the SEATO Treaty.

U.S. military operations in Cambodia violate the SEATO Treaty because the President did not instigate them to protect the Cambodian Government from armed attack.

U.S. military operations in Cambodia violate the SEATO Treaty because the Cambodia Government did not invite or consent to them.

U.S. military operations in Cambodia violate the SEATO Treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures.

In 1954, the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty. The United State agreed to follow the procedures prescribed in article IV of that treaty if the security of any of the designated countries, including Cambodia, were threatened.

U.S. military operations in Cambodia violate the SEATO Treaty because the President did not instigate them to protect the Cambodian Government from armed attack.

The first paragraph of article IV provides that:

Each party—

For example, the United States—

recognizes that aggression by means of an armed attack in the treaty area against any State which the Parties by unanimous agreement may hereafter designate—

For example, Cambodia—

would endanger its own peace and safety, and agrees that it will in that event act to meet the danger in accordance with its constitutional processes.

This section provides that individual countries may come to the assistance of countries which are actually under armed attack in order to prevent their forceable overthrow. Note that it provides for immediate unilateral intervention only when the other country is under "armed attack" and only for the purpose of assisting the attacked government. This section cannot authorize U.S. military intervention in Cambodia for two reasons; First, Cambodia is not and was not under armed attack. The Vietnamese Communists focus their attacks on South Vietnam, not on Cambodia.

That, of course, is what the sanctuaries were—areas which they had taken for their activities in South Vietnam, and not for their activities in Cambodia. The Cambodian Communists are merely struggling to regain a voice in their own government. Second, and more important, President Nixon did not design the U.S. military operations in Cambodia to assist the supposedly attacked Cambodian Government. To the contrary, in his nationwide television appearance on April 30, he emphasized that these operations were designed to assist the South Vietnamese Government and to facilitate the withdrawal of U.S. troops from Vietnam. The President consciously refrained from stating that U.S. military operations were calculated to help the Cambodian Government retain power.

Of course, this is the only legal ground under the SEATO agreement whereby we can intervene. Yet, it was part of calculated U.S. policy to stay away from those legal grounds, for the very simple reason that that would not have been acceptable to the American people. What it was felt would be acceptable, and what turned out not to be acceptable in the judgment of the people, was to proceed on the theory of defending our own armed forces.

So here we have a clearcut case where the President of the United States acted for tactical considerations, but in violation of a treaty obligation which we had under the SEATO Treaty.

The next proposition demonstrating a violation of our agreement under SEATO was that U.S. military operations in Cambodia violated the SEATO Treaty because the Cambodian Government did not invite or consent to them.

Mr. President, I ask unanimous consent that I may yield to my distinguished colleague from South Carolina without losing my right to the floor, and without having the interruption counted as a second speech against me.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

WATER CARRIER MIXING RULE—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. BAYH). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 14, 1970, p. 41418, CONGRESSIONAL RECORD.)

Mr. HOLLINGS. Mr. President, in calling up the conference report on the bill H.R. 8298, I would like to make a few comments concerning what that bill, as agreed to in conference, will do and also what it does not do.

The bill, H.R. 8298, represents a legislative attempt to deal with problems created by the so-called water carrier mixing rule. That rule is a result of a statutory interpretation by the Commission of section 303(b) of the Interstate Commerce Act, which exempts from regulation under part III certain dry bulk commodities, provided they are transported in accordance with the statutory limitation upon applicability of the exemption. The principal statutory limitation is that not more than three such commodities may be carried in the cargo space of a single vessel which, for purposes of the exemption, is defined to include two or more vessels navigated as a unit.

Mr. President, the Interstate Commerce Commission has imposed two further limitations by interpretation upon the applicability of that exemption. The first renders the exemption inapplicable if a single barge of nonexempt commodities is mixed with a tow containing barges otherwise qualifying for the exemption. The second, destroys the exemption for all dry bulk commodities being transported if more than three such commodities are transported within the tow.

In combination, the limitations upon the applicability of the section 303(b) exemption have imposed a heavy burden upon the inland water carrier industry.

Mr. President, the bill in the form agreed to by the conference committee would have the effect of overturning both of the interpretations by the Interstate Commerce Commission to which I have referred. It would permit mixing of regulated commodities with commodities moving under exemption and also would permit the transportation of three bulk commodities under the exemption no matter how many such commodities are transported in the tow as a whole.

Unlike the Senate version of this bill H.R. 8298, it will not extend any benefits to unregulated water carriers transporting commodities under the exemption beyond overruling a third decision of the Commission popularly referred to as WC–5. That decision further restricted applicability of the section 303(b) exemption by holding it inapplicable to all carriers involved in the transportation of dry bulk commodities, if any of the carriers participating in the move transported the dry bulk exempt commodities in violation of the prohibitions against mixing. The bill, as agreed to in conference, will overturn that decision also, and will permit unregulated carriers transporting bulk exempt commodities in compliance with the provisions of section 303(b) to continue to do so free from regulation by the Interstate Commerce Commission.

It will not, as the Senate version would have, permit such unregulated carriers to transport more than three dry bulk exempt commodities in a single tow without losing the exemption. While the approach adopted by the Senate was desirable, it could be fairly said to go beyond what was necessary to overrule the three Commission decisions which were the source of the difficulty focused upon by this legislation. Hence, in conference, the Senate agreed to recede with respect to that issue.

The House of Representatives version of this bill, on the other hand, went beyond what was necessary to overturn the ICC decisions in a different respect. H.R. 8298, as it passed the House of Representatives would have required all carriers transporting dry bulk exempt commodities to file with the Interstate Commerce Commission tariffs containing their rates and charges for the transportation of such commodities regardless of whether they were to be transported in compliance with the provisions of section 303(b) as it presently exists or as it would have been amended by the House version of the bill H.R. 8298.

This feature of the House bill was sharply criticized by every shipper witness appearing at the hearing before the Subcommittee on Surface Transportation of the Senate Committee on Commerce which I chaired. These same witnesses uniformly testified that they were hopeful Congress would find a way to overturn the restrictive ICC interpretations of the applicability of the section 303(b) exemption. However, their opposition to the rate filing provisions contained in H.R. 8298 as it passed the House ran so high that they indicated they preferred no resolution of the problem to the resolution proposed by the House of Representatives. Conferees on the part of the House agreed to remove any provision requiring the filing of rates. The version of the bill before us today has done so.

Mr. President, I do not mean to belabor this point. However, I believe it is important that the legislative history concerning this bill should reflect that the Senate, by agreeing to inclusion of a phrase respecting information on amounts actually charged for the movement of dry bulk commodities in section 2 of this bill, did not intend for the authority therein provided to the Secretary of Transportation to be used as a vehicle for public disclosure of the information so obtained. If that provision were to be so interpreted, it would undercut the position of the Senate that neither rate filing nor its equivalent should be required with respect to dry bulk exempt commodities. The provision merely makes explicit a concept which was already implicit in the Senate version.

On the assumption that this provision will not be used as a subterfuge for the public disclosure of rates and charges with respect to the transportation of dry bulk commodities, I urge the Senate to agree to the conference report on H.R. 8298.

Mr. BAKER. Mr. President, I am convinced that the overriding problem of transportation in our country today is the existence of a considerable number of regulatory restraints that impose artificial barriers to efficiency of operations. No mode of transportation which has been subjected to regulation operates free from such restraints, although some modes have been required to pay a much higher price in this regard than others. Until we take steps to remove such restraints we are not going to be able to resolve what is currently being popularly referred to as "the crisis in transportation."

Now, Mr. President, I want it to be perfectly clear that what I am talking about is not necessarily what is glibly referred to as "deregulation." Nor can the concept which I am putting before you be fairly characterized by the phrase which has recently become a slogan for the railroads in their contacts with Congress—"equality of regulatory treatment." Rather, what I am urging is that we search the regulatory process for restraints which prevent efficient operations with a view to eliminating them wherever possible.

As you know, I have introduced a bill, S. 3760, which would provide for a commission to undertake the sort of examination of regulatory processes that I believe necessary. That bill has not, unfortunately, been formally considered during this session of Congress. However, I intend to reintroduce it when the 92d Congress convenes and will do everything in my power to see that it obtains early and favorable consideration in the next Congress.

In the meanwhile, I strongly urge this body to accept the conference report on H.R. 8298, which would modify the so-called "mixing rule." Mr. President, the mixing rule results from an interpretation of a statute by the Interstate Commerce Commission so as to make subject to regulation cargoes transported on our inland waterways which would be exempt from regulation but for the fact that nonexempt commodities are mixed with the exempt commodities within the tow. The statutory interpretation is of the section 303(b) exemption from regulation providing for certain commodities under part III of the Interstate Commerce Act.

That section exempts transportation of the commodities to which it applies from regulation by the ICC so long as not more than three such commodities are carried in the cargo space of a single vessel. A single vessel is defined for purposes of the exemption to include two or more vesssels navigated as a unit. Nothing in the act required the ICC to interpret that provision as they have—so as to destroy the exemption for the commodities covered if a single barge load of commodities not covered by the exemption is included within the tow or if the tow consists of more than three dry bulk exempt commodities. However, they have done so and their interpretation has been sustained in the courts.

These restrictive interpretations of the Commission have operated to impose a most onerous burden upon the operations of inland water carriers. By requiring segregation of tows as between regulated and dry bulk exempt commodities and by limiting the number of dry bulk commodities which may be moved within a single tow, they have presented that industry from realizing the operating efficiencies made possible by the development of new, powerful towboats. Such towboats, I am told, are capable of transporting up to as many as 40 or more barges in a single tow. However, they cannot be used to their maximum capacity without running afoul of the limitations of the mixing rule.

The amendment of section 303(b) of that act agreed upon in conference would to a large extent eliminate that burden. Accordingly, Mr. President, I strongly urge the Senate to agree to the conference report on H.R. 8298.

Mr. PROUTY. Mr. President, it is with a considerable amount of pride that I am able to inform this body that we are, today, on the threshold of resolving one of the most persistent and troublesome problems of surface transportation during the past decade. I am referring to the problems arising from the so-called water carrier mixing rule of section 303(b) and the fact that the committee on conference has been able to agree upon a bill which will eliminate some of the more onerous aspects of that rule.

Mr. President, as you no doubt are well aware, this is not the first time that Congress has attempted to deal with the problems created by the water carrier mixing rule. The Subcommittee on Surface Transportation of the Committee on Commerce, on which it is my privilege to serve as the ranking minority member, has been grappling with the problems arising from the rule for a number of years.

As long ago as 1967 the committee reported a bill which would have solved the problem but, unfortunately, that bill was not enacted during the 90th Congress. That bill would have extended exemption under section 303(b) much more broadly than does the bill which was agreed to by the Conference Committee. As pointed out in the statement of the managers on the part of the House on the conference report on H.R. 8298 filed yesterday—December 14, 1970 CONGRESSIONAL RECORD, 41418–41419—the approach taken by the Senate in that bill and its version of H.R. 8298 would have eliminated the three commodity limitations upon the exempt transportation of dry bulk commodities. By so doing it would have conferred substantial competitive benefits upon the unregulated water carriers which presently transport such commodities.

I believe there would have been a great deal to be said for that approach. It was supported before our committee not only by the unregulated water carriers but also by the representatives of all the shippers and agricultural interests which appeared before our committee.

At the same time, I can see merit to resolving the difficult competitive problems associated with the rule one step at a time. Clearly the bill, as agreed to in conference, represents a desirable first step. Moreover, it is in line with the recommendation contained in the "Report of the Special Study Group of Transportation Policies in the United States pursuant to Senate Resolutions 29, 151, and 244 of the 86th Congress"—Senate Report No. 445, 87th Congress, first session—the so-called Doyle commission report which was presented to our committee way back in 1961. At that time the Doyle commission recommended that Congress should repeal the mixing rule but do so only insofar as certificated common carriers are concerned. That is precisely what the bill as agreed to in conference and which you have before you would do.

I am hopeful that the Senate will see fit to agree to the conference report on H.R. 8298.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

REDDICK B. STILL, JR., AND RICHARD CARPENTER

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 168, S. 1002.

The ACTING PRESIDENT pro tempore (Mr. BAYH). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1002) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $17,318.90 to Reddick B. Still, Junior, of Spartanburg, South Carolina, and Richard Carpenter, of Greenville, South Carolina, in full settlement of their claims against the United States for services rendered the Post Office Department in obtaining options on land within the city of Spartanburg, South Carolina, in connection with the relocation of the main post office in that city for which they were never compensated because the United States elected to condemn the land upon which the options to purchase had been secured. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 180), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay the sum of $17,318.90 to Reddick B. Still, Jr. of Spartanburg, S.C., and Richard Carpenter of Greenville, S.C., in full settlement of their claims against the United States for services rendered the Post Office Department in obtaining options on land within the city of Spartanburg, S.C., in connection with the relocation of the main post office in that city for which they were never compensated because the Government elected to condemn the land upon which the options to purchase had been secured.

STATEMENT

The committee in the 90th Congress reported favorably H.R. 3193, a bill for the relief of these claimants in the same amount as is set forth in S. 1002. In its report on H.R. 3193, the House committee related the following:

The bill, H.R. 3193, was the subject of a subcommittee hearing on Thursday, July 11, 1968. At that hearing the testimony established that Mr. Reddick B. Still, Jr. and Richard Carpenter, in 1961 were real estate dealers in Spartanburg, S.C., and Greenville, S.C., as they are today. At that time they were contacted by a representative of the Post Office Department of the regional office in Atlanta, Ga., and requested to find a site in Spartanburg, S.C. for a post office. Four sites were suggested by the Post Office Department and after a consideration of the sites, the Post Office Department and the two real estate men finally settled on a site which included a whole block of land on South Church Street in the city of Spartanburg. The post office representative advised Mr. Still and Mr. Carpenter that while the Post Office Department did not pay commissions for securing options on the land, the options would provide for a commission by the landowner upon purchase of the land by the Government.

"There were 20 lots in this particular block in Spartanburg and for approximately a year Mr. Still and Mr. Carpenter endeavored to secure options on the land and secured options for all but three of the landowners involved. The committee was further advised that while they did not have an option with one of the three, there was an indication that he was willing to sell at a given price. In this year period they had many meetings with people involved and with persons such as bankers and attorneys or financial advisers who had some relation to the matter. They were required to meet with the city planning and zoning board in connection with a proposal to rezone the area. They were also required to meet with the highway department in the city because of a requirement on the part of the Post Office Department for a widening of certain streets. The committee was advised that they met with the Duke Power Co. to consider the problem concerning utilities for the area. In connection with the widening of the streets, the streets were widened on three sides of the particular block and the zoning applicable to the tract of land was changed to allow the post office operation.

"The original options were for 120 days and they ran to the Post Office Department. The committee was supplied with copies of the options and the options provided for a 5-percent commission to the real estate men. In September of 1961 the Post Office Department requested Mr. Still and Mr. Carpenter to obtain extensions of each option to run until January 1, 1962. They were therefore required to again contact each landowner and obtain extensions, and this was done. Additional extensions were secured in order to extend the time provided until July 1, 1962. This, of course, required additional efforts on the part of the real estate men.

"The committee was advised that on May 16, 1962, the Post Office Department in Washington mailed each landowner of the land in the block in question a notice that the property was going to be taken by the Government by condemnation and that they would be contacted by representatives of the Post Office Department. The landowners were further advised that they were to deal with no one else except authorized Government representatives of the Post Office Department and the Department of Justice. When this occurred, Mr. Still and Mr. Carpenter had been working to secure options to the land for about 18 months. This development took Mr. Still and Mr. Carpenter by surprise and the attorney in behalf of the claimant stated at the hearing that the Government had never asked Mr. Still or Mr. Carpenter to negotiate with the individuals concerning price as to any particular lot or clarify any discrepancy in the prices in the options. It was further indicated to the committee that the prices eventually paid for the property were substantially the same as those that would have been required under the options secured as outlined above. At the hearing it was stated that the total amount for the options which were signed was $346,377.78. In this connection it is pertinent to note that the amount stated in the bill is 5 percent of this figure or $17,318.90.

"In its report to the committee on the bill the Post Office Department stated:

"'Although the Department appreciates the efforts extended by Mr. Still and Mr. Carpenter in connection with the Spartanburg post office, we do not believe the Government should grant a monetary benefit in cases such as this where a business venture fails of fruition through no fault on the part of the Government.'

"The committee has carefully considered the matter and concludes that under these circumstances legislative relief is merited. Accordingly, it is recommended that the bill, amended to limit the amount of attorneys' fees to not more than 10 percent of the amount stated in the bill, be considered favorably.

"The bill carries the customary language limiting attorneys' fees, and the committee has been advised that an attorney has rendered services in connection with the matter."

The committee adheres to its former recommendation on H.R. 3193 and recommends that the bill, S. 1002, be considered favorably.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1971.

The ACTING PRESIDENT pro tempore. The Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, returning to the second point in delineating and restating the legal course—or the illegal course—that was taken by the Chief Executive of this country, the second proposition was that U.S. military operations in Cambodia violated the SEATO Treaty because the Cambodian Government did not invite or consent to them. The third paragraph of article IV of the SEATO Treaty provides that:

No action on the territory of any State designated by unanimous agreement under paragraph 1 of this article—

This could mean U.S. military operations in Cambodia—

shall be taken except at the invitation or with the consent of the government concerned.

That is, Cambodia.

Thus, even if the U.S. military operations in Cambodia could be based on paragraph 1 of article IV, they are not authorized unless the Cambodian Government invited or consented to them. President Nixon indicated that the Cambodian Government did not invite or consent to U.S. military intervention. In his nationwide television address, he admitted that the Cambodian Government was not consulted in the matter. The Cambodian Government had no opportunity to consent, for it was merely informed about the final decision—a clear-cut violation of article IV of the SEATO Treaty, which was signed by this country.

The third proposition: U.S. military operations in Cambodia violated the SEATO Treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures. The second paragraph of article 4 provides:

The parties—

Including the United States—

shall consult immediately in order to agree on the measures which should be taken for the common defense.

If the security of any of the designated states, including Cambodia, is "threatened in any way other than by armed

attack, or is affected or threatened by any fact or situation which might endanger the peace of the area," this section authorizes collective action to assist countries whose territories or sovereignty is threatened by some event other than an armed attack. Note that it authorizes the slower collective assistance procedure unless imminently threatened. This section could not authorize unilateral U.S. intervention in Cambodia, because the United States did not consult with any of the other SEATO nations before sending troops into Cambodia. Moreover, the United States did not intervene in Cambodia to assist the Cambodian Government.

As to the other points that I made earlier in answer to the points raised yesterday by the Senator from Iowa as to the legality of our action under the United Nations Charter, again let me state that the inference was made by my colleagues opposing the discussion that such action was within the parameters and proprieties of the existing doctrine of association with the United Nations.

The U.S. military operations in Cambodia were illegal because they violated article 2, paragraph 4, and article 53 of the United Nations Charter. Article 2, paragraph 4 of the United Nations Charter provides:

> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

U.S. military operations in Cambodia constitute a violation of Cambodia's territorial integrity which is outlawed under article 2, paragraph 4 of the United Nation Charter, and therefore by article VI of the Constitution of the United States, which provides, in part:

> All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

Therefore, the President, in his action of last April 30, not only violated the United Nations Charter, but in so doing, he violated the Constitution of the United States.

Article 53 of the United Nations Charter, paragraph 1, referring to regional defense agencies such as SEATO, provides:

> But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

Even if the present U.S. military action in Cambodia were proper and legal under the SEATO and protocol, the action would be illegal under article 53, paragraph 1 of the U.N. Charter, since the action was in no sense authorized by the Security Council of the United Nations. The United States may not under authority of the SEATO treaty take military action in Cambodia which is prohibited to SEATO as an organization.

(Mr. BYRD of Virginia took the chair as Presiding Officer.)

Mr. FULBRIGHT. Mr. President will the Senator yield to me for a question?

Mr. GRAVEL. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Yesterday, a good deal was said by me and others about the urgency of the procedure that has been followed in presenting this matter. I think that what the Senator says about the applicability of the SEATO Treaty is very well taken. However, I think there really is no serious pretense that we are carrying out obligations under the SEATO Treaty, because the treaty is not applicable to the situation in Cambodia. The Cambodian Government long ago, under Sihanouk, disavowed the protection or applicability of the SEATO treaty to Cambodia. They were then, we might say under a wardship. They took the position that they were neutral, and they thought it was in their interest to protect their neutrality and not to be a ward of the SEATO parties or, specifically, of the United States.

When I come back to, what I think is an important feature, is the way the administration has treated Congress in this matter, the disregard they have had for the proper role of Congress. I go back to my original statement, which is incontrobertible, that the Secretary of State, in his statement to the Committee on Foreign Relations last April, said that the last thing the administration wanted to do was to become involved in a large aid program to Cambodia. At that time, he told us about a small amount of small arms which was being given to Cambodia. They were mostly arms that the Americans and the South Vietnamese had captured from the Communists. They were AK–47's and a few M–1's. I think these AK–47's had been reworked or fixed up a bit; they were usable. We have a plant that is capable of doing that work.

In any case, as I said before, the committee was virtually unanimous at that time. There were possibly one or two who did not agree. But we stated that we did not want to become involved in a major aid program, even aid involving the giving of military equipment. It was perfectly obvious, although the matter did not come up specifically, that the last thing we wanted to do was to have troops in Cambodia or to invade the country.

That statement was made in late April. Then, 3 days later, the invasion of Cambodia occurred. Later, they approved sending up to $8.9 million of these small arms. That was out of the fiscal 1970 funds for military assistance, through the use of transfer authority. But subsequent to that—I believe it was in the latter part of June or the first of July—the administration made a determination to use $40 million, a very substantial increase.

If they had any respect whatever for the congressional role in authorizing assistance to these foreign countries, it seems to me that there was a clear duty to come to Congress and ask for the money. In this bill, it is now the equivalent of $255 million. They made a determination for $40 million that long ago and never said a word, other than justifying it in a formal way, after 30 days. They only notified us that they had utilized their transfer authority. They did not come up and present a case and give us an opportunity to hold hearings on a bill similar to the bill that is now before the Senate.

So it seems to me that it is with very ill grace that they come at this late date, when everyone knows we have many important bills, big bills, including $66 billion for defense and approximately $19 billion for HEW—big, important bills.

As a matter of procedure, I come back to the point that it seems to me utterly disrespectful, or even contemptuous, of the role of Congress to treat us in this fashion. If they made up their mind that long ago, in June or July, that they were going to change their policy from that announced by the Secretary of State to one of major support for Cambodia, they should have, at that time, in July or August, or certainly in September, presented a bill and given the committee and the Senate an opportunity to have the usual hearings, to consider whether or not it is in our interest to take on Cambodia as another client state and to undertake the responsibility for furnishing them with all their requirements for both economic and military assistance.

So I think we are entirely justified. In fact, I think we would be derelict in our duty if we did not put this bill over until after the first of the year, when we can have hearings in the regular manner. When I say "put the bill over," I mean especially the part dealing with Cambodia. I think that the part dealing with Korea, although it has not the same implication at all, is quite a different matter. It does not involve a new policy of undertaking to support a new client. All it involves is the consideration of a 5-year program, the first downpayment of which is $150 million. I believe it is estimated that the program will cost $500 million. At one time, it was reported that the Koreans were asking for $3 billion to modernize their army. Secretary Laird was not positive. I do not think he really knows.

Mr. GRAVEL. Has the Committee on Foreign Relations made——

Mr. FULBRIGHT. It was not our request. It was a Korean request. The Secretary was not positive, and I do not criticize him for that. All they are asking for now in this bill is $150 million. I raised questions about that request on entirely different grounds from the request for Cambodia. It is not a new association. We have already put between $5 billion and $7 billion into that country, I think, and that is water over the dam. I am not complaining too much about that. I have said that if they will take out the Cambodian item, I am willing to let this go along, because I am quite sure we have no alternative but to do something. I think there is a very serious question about how much.

It seems to me that there should be some reasonable limit as to what we give these countries around the world, in view of our own necessities at home.

I feel that we are almost living in a dreamland, the way we treat a request for a foreign country, as if there were absolutely no alternative. A small country such as Israel comes in—I use it as an illustration—and in a most extraordinary procedure, unprecedented in my experience, an authorization is put in an appropriation bill, without any hearings, without even a request by the administration. The Jackson amendment on the authorization bill was not even suggested by the administration. On his own initiative,

he put it in; and then, in a fatalistic way, the Senate does nothing about it. I tried to take it out, not because I object to aid to Israel but because it seems to me that all we are doing is gradually eroding the function of the Senate.

No one had had any real hearings on this subject. I do not think anything other than the advice of the administration witnesses was given, and they did not object. But I was told that the administration did not originate the request. The President did not. The Budget Bureau did not ask that it be put in there. It was not in the budget. They just did it, put in $500 million, just like that.

Now on the request for Cambodia of $285 million, I would say that our hearings were of a very superficial kind with only two administration witnesses appearing, one of them the Secretary of Defense who, when he came in, announced ahead of time that, unfortunately, his time was limited. He came in at 10 o'clock and said:

I am obligated to leave at 12:15 because I have a luncheon with Moshe Dayan, the Defense Minister of Israel.

He was obviously more interested in what the Defense Minister of Israel had to say than he was in a Senate committee or in the Senate itself. He could not care less what the Senate committee thought. He said, "I am sorry. I have got to leave."

He is an extremely able, a very capable, man and he succeeds in occupying most of the time in irrelevant comments to any questions. We got very little out of him. I would say that it was an extraordinarily superficial hearing so far as the merits of the policy involved in the Cambodian authorization were concerned. They had plenty of time. They had made up their own minds as long ago as June to ask for $40 million more, and between June and now that amount has gone up gradually. They have spent $108 million, and subsequently for fiscal year 1971 they want $285 million, including the $108 million that has been allocated under existing discretionary authority.

So I do not believe that the administration, certainly in my opinion, has any just complaint about the bill. It is my opinion that the administration probably did not have any serious expectation that this bill would be passed but knowing that in the last days of any Congress, especially before Christmas, almost any kind of bill can get through unless someone is extremely careful, they threw it into the hopper on the chance that if it got through that would relieve them of any problem of funding. If not, they will meet the problem after the first of the year. It is no problem to them, in any case, because we have already, I think, proved that they have adequate funds they can transfer.

I want to make it clear they can do that. I do not think that kind of procedure is really in conformity with the procedures of discretionary authority. That discretionary authority, as in nearly all bills of consequence, is given for genuine emergencies. By that is meant some unexpected occurrence that justifies the discretionary authority. We have been quite liberal, and there are quite a number of discretionary authorities.

Mr. DOLE. If the distinguished Senator from Alaska (Mr. GRAVEL) would yield, I wonder if I might not receive an answer to my question.

Mr. FULBRIGHT. I am getting ready to ask the Senator if he would not agree with me that this is a very unusual procedure. If the Senator will bear with me, we want to lay the groundwork for answering the question. I ask the Senator from Alaska (Mr. GRAVEL) if he does not agree that this kind of procedure is most unusual.

Mr. GRAVEL. In answer to my colleague's question—but first, let me address myself to the Senator from Kansas in case he would like to ask me another question which I would be happy to entertain—but before I answer that——

Mr. DOLE. I can hardly wait for the answer to the question.

Mr. FULBRIGHT. It will come in due time.

Mr. GRAVEL. Mr. President, I would like to yield at this time without losing my right to the floor, or having it count as a second speech, for purposes of receiving a message from the House.

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 the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 10534. An act for the relief of Atkinson, Haserick & Co., Inc.;

H.R. 11895. An act for the relief of William R. Karsteter;

H.R. 14235. An act for the relief of Capt. Claire E. Brou;

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.;

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 10534. An act for the relief of Atkinson, Haserick & Co., Inc.;

H.R. 11895. An act for the relief of William R. Karsteter; and

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.; to the Committee on the Judiciary.

H.R. 14235. An act for the relief of Capt. Claire E. Brou; placed on the calendar.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from Alaska (Mr. GRAVEL) may proceed.

Mr. GRAVEL. Mr. President, in answer to my colleague's question, I, too, find it odd that administration should push with such vehemence to secure the passage of this. My colleague is closer to the events as they occur in the Committee on Foreign Relations and as they have occurred in the past. I can only say that I think the answer is simply that the administration cannot stand a public dialog, or in any case a protracted public dialog, which is what the hearing process would develop, as it cannot stand to sustain its decision to go into Cambodia because it became unpopular politically. It became unpopular politically because the people had knowledge of it. It was reported daily. The same thing would happen with respect to beginning to appropriate moneys in an official way for activities in Cambodia. I doubt that the majority of the people of this country would sustain that course of action, but if someone wanted to perpetrate that course of action that would be one reason to thwart possible protracted dialog on this subject. The way to do that is, of course, at the 11th hour, to put something into a bill and try to rush it through the Congress without any fanfare or dialog, and then it becomes fact. That has been the situation with Vietnam. It is a fact. We have to live with fact. One of our colleagues was faced with the dilemma of saying that the President has done this and, since we are Americans and he is the President, we now have to sustain this activity.

Mr. SPARKMAN. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. Mr. President, I yield to the Senator from Alabama without losing my right to the floor or having it count as a second speech.

Mr. SPARKMAN. I do not know that this is very important but a minute ago the Senator referred to the unpopularity of the Cambodian incident. If I recall correctly, the public polls showed a rather heavy approval of that movement. Does not the Senator recall that?

Mr. GRAVEL. Yes, I do recall the polls at the time with respect to the approval of the people. I think that the approval of the people as evidenced by the polls was evidence of a superficiality that exists in poll taking. I do not mean to denigrate the poll takers or the people who respond to polls. What they were saying was in answer to the question of going into Cambodia in order to safeguard our troops in South Vietnam. They thought that was a good act in the short-term tactical sense.

But in other polls I saw, when the question was phrased as to the enlargement of the war into Cambodia, the result of the polls was very much against our involvement.

Mr. SPARKMAN. Well, I suppose we could argue as to the propriety of the wording on such questions, but I do not think anyone was in favor of enlargement. Very few, at least, were in favor of enlargement of the war. President Nixon made it very clear, when he made his announcement, that the purpose of the

mission was only to destroy the sanctuaries that threatened the lives and safety of American forces fighting there. He also distinctly said, as I recall, that the job would be finished within the month. I think that was it. Also that there was not going to be an enlargement of the war. In other words, he negated that idea right at the beginning.

But I want to ask this question and invite the attention of the chairman of the committee, talking about our willingness and readiness, our obligation if we want to call it that, to make aid available to Cambodia of the nature that is provided in the bill, in the two items included in the Senator's amendment, it seems to me—and, of course, I realize the narrow margin of argument in tying it to the SEATO treaty—I do think that there is some connection because under that treaty the SEATO powers more or less become guardians of the French-Indochina situation.

I say that is true in a way. I do not want to imply that meant that they had to go in there and support the military all the way. However, there was what might be called a guardianship.

Mr. FULBRIGHT. But did not the Cambodian Government disavow that?

Mr. SPARKMAN. I agree. Prince Sihanouk did. He represented the Government of Cambodia. However, he is not there any more.

I say that it is a very narrow margin, but there is something else that, it seems to me, we need to take into account.

As I recall, when President Nixon made his Guam declaration concerning what our relations would be with Southeast Asia, I believe he said at that time that we, in the future, would depend upon Asians to fight their own battles. He did not use those exact words.

Mr. FULBRIGHT. Those are Johnson's words.

Mr. SPARKMAN. Mr. President, in other words, they would have to defend themselves and look after their own affairs, both in peace and war. He did say that if they would do that, we would help them out. That is again not using his words. They were more erudite than just helping them out. But it was said that we would make contributions to them, would give them assistance.

I thought that met with very wide approval. I do not know for sure, but I suppose the chairman of the committee expressed himself on that matter, and I am rather of the opinion that he approved that idea.

I do remember that there was a good bit of expression on the part of a good many people that they would like to see it spelled out a bit more definitely.

Mr. FULBRIGHT. I should say so.

Mr. SPARKMAN. In the Guam declaration of the President, it was expressed in general terms. Nevertheless, I believe he did state a policy there that was applauded by the American people and one that, I think, we have been arguing for under our national commitments resolution and in the hearings we have had regarding our commitments all around the world.

Many statements have been made to the effect that we cannot and will not be the policeman of the world.

It seems to me that when he said to those people, "If you will do your best to take care of your own affairs, we will help you out in a material way, not with armed forces."

Mr. FULBRIGHT. Mr. President, the Senator will admit there are some very subtle distinctions here. He refers to Southeast Asia and the Guam doctrine. I think most people interpreted that doctrine to apply to those countries, like Vietnam, in which we are now engaged. I do not believe that most people felt that this was a pledge that he was going to support anybody and everybody with money, rather than with troops. There is a limit to this. There is a limit to our funds.

At that time he did not state that we would undertake any operation in Cambodia. We did not have that situation in existence at that time.

Mr. SPARKMAN. The Senator is correct. He did not say that. I will be glad to look that up. It is a long time since I have read it. But as I recall, it was generally understood that his program was directed to Southeast Asia.

Mr. FULBRIGHT. But not to Cambodia.

Mr. SPARKMAN. He did not bring out the matter of Cambodia.

Mr. FULBRIGHT. For example, with respect to Malaysia, does the Senator think that if he were to put in a bill proposing to give $500 million to Malaysia that would be carrying out the doctrine?

Mr. SPARKMAN. I do not think so. I do not think that Malaysia needs it. They are taking care of their own affairs quite well.

Mr. GRAVEL. Mr. President, if Malaysia had an insurrection, and if someone else called them Communists, under that same thesis, would the President not be entitled to come here for $500 million to give that government to fight off the insurrectionists?

Mr. SPARKMAN. I do not think that is correct. We had an interest in Cambodia that was beyond that existing in the other countries, because of its juxtaposition with South Vietnam and the strategic geographic area and location. Not only that, but we also know that Cambodia was affording sanctuaries to those who were fighting our forces in South Vietnam.

Mention has been made here of the urgency and nonurgency of this matter. I said in my opening remarks yesterday—and if the chairman has not read them, I hope that he will do so——

Mr. FULBRIGHT. I did read them. They were extremely well done. I must say it is the best possible statement for a poor case.

Mr. SPARKMAN. Mr. President, I was stating the facts as I saw them and in line with the majority of the membership of the Foreign Relations Committee agreed to.

Talk has gone on here about continuing to rob Peter to pay Paul, in the words of the distinguished Senator from Alaska. He said that he is willing to go along with the authorization to take care of those items, but that if we do not make this available it means that they are going to have to continue to rob Peter to pay Paul. Actually, in order to take care of the needs that are very great in Cambodia and afford them the limited military equipment that this fund would take care of and also to provide the economic stability that they need—all of which ties right in with the withdrawal of our men from South Vietnam—they will have to borrow again against the funds that are needed in South Vietnam in order to take care of this urgent need in Cambodia so that they might continue to operate during the next quarter.

Mr. FULBRIGHT. Mr. President, does not the Senator acknowledge, as I have said, that this need will go on for only a couple of months until we have had an opportunity to actually hear the testimony.

Mr. SPARKMAN. The Senator is correct. But what we will be doing with the $100 million, to which the Senator finds no objection, is paying $60 million and then the next day drawing that $60 million out again.

Mr. FULBRIGHT. Mr. President, I do have objection. It is, however, the lesser of two evils. It is much easier to do that than to have the policy interpreted as it could be interpreted.

Mr. GRAVEL. Mr. President, the administration has also interpreted this policy by disrupting funds that were appropriated for Taiwan, Greece, and other countries by this legislative body. That is the policy of the Nation. So, that has already been disrupted.

From my point of view I would like to see the least possible amount of disruption, but at the same time I would not like to sanctify or make legal the course that the administration has chosen.

Mr. SPARKMAN. It is legal. It is in the law. The Senator from Missouri (Mr. SYMINGTON) complained about it.

Mr. FULBRIGHT. Technically.

Mr. SPARKMAN. And yet I remind him that it is in the law that Congress wrote.

Mr. GRAVEL. I know the Senator was not in the Chamber earlier, but I made what, I think, is a fairly decent case to show the illegality of the incursion; so the President was not disobeying a law passed by this body, but he was disobeying the Constitution of the United States.

Mr. SPARKMAN. Yes; I heard the Senator's presentation. I was here right after the Senator commenced his presentation. I read in the RECORD that there would be a 30-minute speech following the opening of the session this morning, and when I arrived discussion of this matter had hardly been started.

I do not concede the Senator's argument that the action is in violation of the Constitution.

I shall not take further time now, but I do have a memorandum in which I answer questions about the point the Senator has raised. Later I intend to discuss some of the points. At this time I ask unanimous consent that the memorandum be printed in the RECORD.

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

URGENT REQUIREMENT FOR CAMBODIAN AID

The total amount of funds requested for Cambodia is $255 million. Of this, $70 million is for economic assistance and $85 million for military assistance. $100 million has already been borrowed from other programs to provide military support. No economic support has yet been provided.

Of the funds borrowed from other programs, $40 million was obtained by reducing such countries as Turkey, Greece, and Taiwan. The $60 million in Supporting Assistance funds which have been or will be transferred have been borrowed from other Supporting Assistance programs, principally Vietnam.

Outside of Southeast Asia the proposed Supporting Assistance programs total less than $50 million. The rest of the Supporting Assistance Funds, for which $414 million was requested in the FY 1971 appropriation, are for Vietnam, Laos and Thailand—mainly for Vietnam.

If no additional funds are authorized and appropriated for Cambodia, the as yet unmet requirement of $85 million for military assistance and $70 million for economic assistance cannot be funded. There is no further room for reducing ongoing Military Assistance programs to meet the military requirements and the commodities available under Section 506 meet only a small part of Cambodian requirements. The only source for economic assistance funds is the Supporting Assistance account, which means that the only way in which funds can be made available for Cambodia is to reduce our programs in Laos, Thailand and Vietnam. The programs in Laos and Thailand are closely related to our Vietnamization program and Southeast Asia strategy and in any event total only $60 million. To cut these programs off is to fail in our objectives in one part of the area in order to support them in another. It obviously makes no sense. Even cutting them off entirely would not provide the money needed for economic support in Cambodia, nor would it permit the repayment of Supporting Assistance funds already borrowed and transfer them to the Military Assistance program.

Economic aid to Vietnam is obviously crucial to our Vietnamization strategy. Earlier this year the United States finally reached agreement with the South Vietnamese Government on a series of extensive economic reforms. These reforms, without which the Vietnamization program could not last long, were undertaken with the understanding that our economic assistance would be adequate to support them. It is for this purpose that in the supplemental request the President asked for an additional $65 million for Vietnam. The amount originally requested in the appropriation for FY 1971 is inadequate to sustain the economic reform program. It goes without saying that borrowing almost $100 million for Cambodia out of the regular appropriation would not only wreck the South Vietnamese economic reform program, but would also bring the amount of Supporting Assistance available for Vietnam below the levels required for regular maintenance imports.

By the end of this year additional funds are required for Cambodia to maintain the military supply pipeline and to begin an economic support program for an economy which has sustained major losses of resources and a growing defense establishment without outside assistance for eight months. Even with immediate appropriations of Supporting Assistance funds, it will be some months before the Cambodians would receive the commodities. The new Congress will convene in late January and will inevitably take time to organize itself and arrange its legislative program. We will then have to start this process all over again, with further hearings, as the Chairman has suggested, and action by both Houses. Even with the best of intentions, we are not likely to pass this legislation before March.

In fact, there is no assurance that the legislation will be passed at all. During a period of two or three months, getting well toward the end of the fiscal year, there will be uncertainty about whether these funds are ever going to be provided. During this time, according to the suggestions that have been made, funds will be diverted from other programs. But by that time, even if the supplemental were passed then, we would already have had to disrupt our existing programs in Vietnam, Laos and Thailand in order to provide the minimum requirements in Cambodia. If the Cambodia part of the supplemental were not passed, we could face a situation where there could be a shortfall of well over $100 million for Vietnam. Without these funds the Vietnamization effort would suffer a serious blow.

The ultimate question therefore is not whether the Administration has legal authority to divert additional funds, but whether such transfers can be made without seriously jeopardizing programs in Vietnam and other parts of Southeast Asia.

Mr. GRAVEL. In answer to the prior statement, I would be happy to go over those questions if the Senator wishes to enunciate them one at a time, but prior to that I would like to go into the matter the Senator just brought up.

Mr. SPARKMAN. I would prefer that the Senator do that.

Mr. GRAVEL. I refer to the concept of robbing Peter to pay Paul.

Mr. SPARKMAN. It will be remembered the Senator from Alaska referred to that expression. It is a good old expression, but I want him to know that I was repeating what he said.

Mr. GRAVEL. I take credit for introducing that expression in the discussion that ensued yesterday.

Mr. SPARKMAN. In the discussion, but not for the expression in the vernacular. It is an old, old saying.

Mr. GRAVEL. I do not propose to claim authorship for it. I confess that yesterday I did use things in a similar vein, but I do not claim the entire authorship. Many times I only make observations.

With respect to the expression "robbing Peter to pay Paul," currently the decision rests with the administration in doing that; the decision for going into Cambodia rests with the administration. It is a decision to expand the war.

Mr. SPARKMAN. May I say at this point, as I said a few moments ago, that I do not agree with the statement that going into Cambodia expanded the war. I do not think there was any intention of expanding the war, and the President stated that clearly when he said he was going in that the purpose was to destroy the sanctuaries that the Vietcong and the North Vietnamese had at that time in Cambodia and from which they could harass and destroy our troops. He made clear that it was not to expand the war.

Mr. GRAVEL. I beg the Senator's pardon.

Mr. SPARKMAN. I wanted to make clear that I do not go along on the point the Senator made.

Mr. GRAVEL. The understanding I developed, and I think it would be easy to clear the record in that regard with the transcript of the President's public statements, was with regard to why we went in there. He was very clear we went in there unilaterally to safeguard our troops, which was in violation of the SEATO agreement we had. But in so doing he gave no timetable of withdrawal but only an indication that this would be of short duration.

At a later time when he was being pressed and pressured by public opinion and the turn of events in this country, it caused him to drop the word casually that it would be July 1, and as a result of that slip, and I use the word "slip" because it was under pressure that he used that statement, the administration came back and said it would be of short duration and began to limit the objectives, and the objectives as stated were to find the headquarters and destroy it. That headquarters was never found and it was never destroyed.

Had it not been for public opinion I am sure we would still be running around Cambodia looking for that headquarters to destroy it. But because of the pressure of the Nation we had to recede and recede rapidly to a 30-day time frame.

Mr. SPARKMAN. Will the Senator yield to me briefly so that I may ask another question that could be answered briefly because it will help me to plan my schedule?

Mr. GRAVEL. Yes, I yield, without my subsequent remarks counting as a second speech.

Mr. SPARKMAN. No. This is a question. I am sorry the chairman of the committee is not here. He, too, is involved. I presume the Senators from Alaska and Arkansas operate in collaboration with each other.

Is there any prospect of our being able to bring the Senator's amendment to a vote some time this morning?

Mr. GRAVEL. I would hope so.

Mr. SPARKMAN. Or this afternoon?

Mr. GRAVEL. I would hope so. I would like to consult with the leader, which I have not had time to do. We are trying feverishly to make calls to Senators to find out who is here and in town and who is not.

Mr. MANSFIELD. Mr. President, I am delighted to answer any question and arrive at any reasonable good accommodation at this time. I think, as far as the Democrats are concerned, there are four absentees, which is just about as low a number as we will have at any time. I assume that on the Republican side—I see the Senator from Kansas raising his fingers—there are three Senators absent, and that total of seven is about as low as the Senator would get this year.

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

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I have a good deal to say about this matter. I am opposed to making an agreement at this time.

Mr. MANSFIELD. I brought the matter up only because the Senator from Alaska said that he would talk to me about it and I wanted to make the statement for the RECORD.

Mr. SPARKMAN. I wish to say to the Senator from Arkansas that when I posed my question I said I wished you were in the Chamber because I believe the Senator from Alaska and the Sen-

ator from Arkansas have been working——

Mr. GRAVEL. In tandem.

Mr. SPARKMAN. They have been working in tandem and I was asking the question so that I might plan my own schedule. I have a very busy doubled-up schedule today.

Mr. FULBRIGHT. I would suggest the Senator attend to whatever business he has.

Mr. SPARKMAN. I believe I can read the meaning.

Mr. FULBRIGHT. I do not believe he would suffer much from being absent from the Chamber.

Mr. SPARKMAN. I thank the Senator from Arkansas and the Senator from Alaska.

Mr. FULBRIGHT. Was someone asking a question?

Mr. GRAVEL. I had a question from the Senator from Alabama that I was going to answer, but the Senator from Alabama has to leave the Chamber.

Mr. SPARKMAN. What was it?

Mr. GRAVEL. It was on the whole theory of robbing Peter to pay Paul, which we were hung up on. That has been the activity of the administration and their policy. I do not want to interrupt their policy if they choose that policy; and if they choose it, it should be their burden and not spread throughout Congress and the Nation as a national policy, because it would be a policy of failure, and it would be easier to identify the failure if we let the administration operate as they have been for a period of time, so we can have a dialog on the decisions involved.

That is the position of the chairman of the Committee on Foreign Relations: That we are doing something here upon which insufficient reflection has been made, and it is probably one of the most serious undertakings since the Gulf of Tonkin resolution. I think it is much more serious than the Gulf of Tonkin vote because in that case we were talking about a sense-of-the-Senate resolution and here we are talking about putting our money where our mouth is.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I am glad to yield to my colleague without losing my right to the floor and without it being counted as a second speech.

Mr. DOLE. The Senator from Kansas understands the question to be that the Senator from Alaska does not wish to block any other legislation in this session, the Senator from Alaska does not wish to frustrate the Vietnamization program, the Senator from Alaska wishes that the administration would give more deference, perhaps, to the Foreign Relations Committee, and since this has not been done in accordance with the views of the Senator from Alaska and the Senator from Arkansas, then we should just discuss it on the floor until the first of the year. Is that a fair summary of the judgments of the Senator from Alaska?

Mr. GRAVEL. In answer to the Senator's question, I do not think that is a fair assumption. I think it is difficult to make an interpretation of how much dialog is necessary for people to reach accommodations on what course of action to take. I am not a magician; I have no extrasensory power to know what goes on in the minds of my 99 colleagues.

Let me say I was willing to set this measure aside yesterday so we could take up the SST or any other matter.

With respect to the frustration of the Vietnamization program that the Senator speaks of, I am not prepared—certainly, I hope I did not leave that impression yesterday—to try to frustrate the Vietnamization program. If the definition of the Vietnamization program is to withdraw every single American boy from South Vietnam, I not only would be against frustrating it; I would be its handmaiden. But at this stage I am convinced that is not the definition of the Vietnamization program. I could be in error, like any other human being. I am convinced that Vietnamization is not our complete withdrawal from South Vietnam, but the diminution of our troop level from one particular level to another level which will be a sustained involvement of this country in that part of the world for decades. This view is based upon the historical experiences that have occurred in Europe for over 25 years, involving in excess of hundreds of thousands of troops, and in Korea for 17 years. And now we have a situation where American troops have been located and are going to be located in a part of the world where they are being killed in a hot war. I am prepared to frustrate that degree of involvement.

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

Mr. GRAVEL. I yield without losing my right to the floor and without it being counted as another speech.

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

Mr. DOLE. Is the Senator yielding the floor to me?

Mr. GRAVEL. Yes, for a question.

Mr. DOLE. The Senator from Kansas can only observe that the request is made for the purpose of continuing the Vietnamization program, with which, it occurs to the Senator from Kansas, we have had some success. As the Senator from Kansas said yesterday, there has been a reduction of over 200,000 in the troop level. The Vietnamization program is 15,000 ahead of schedule. By next May 1, the troop level will be down to 284,000. Secretary Laird announced just last night that he will go to Vietnam to see about further withdrawals.

If the Senator from Alaska prevails in his efforts to scuttle aid to Cambodia, then the Senator from Alaska should be prepared to accept a slowdown in the Vietnamization program, or perhaps a standstill in the Vietnamization program, and what the Senator from Alaska may accomplish is the very thing he appears so concerned about.

As I see the effort of the Senator from Alaska, it is frustrating the Vietnamization program. If it is necessary to have a hearing just to satisfy the Foreign Relations Committee, that is one thing, but it seems to me the ultimate goal is to withdraw our troops from Vietnam, not to satisfy the Foreign Relations Committee or determine how much time Secretary Laird spends before that committee.

The question should be, Will the Senate have an opportunity to work its will this year? If the Senator from Alaska and the Senator from Arkansas are prepared to proceed on a course, or a discourse, for the next 10 days, I would assume that would be a judgment they must make, but it is my understanding that there will be objections to any unanimous-consent requests from the minority. I believe the acting minority leader would share that view, in hopes we can have some agreement on a vote on the amendment of the Senator from Alaska.

Is the Senator prepared to say at this time that he foresees any vote today or tomorrow or the next day?

Mr. GRAVEL. Going to the basis of the Senator's question——

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a comment on that question?

Mr. GRAVEL. I yield, without losing my right to the floor or being charged with a second speech.

Mr. FULBRIGHT. There are two or three comments I would like to make that are appropriate to the Senator's statement. In the first place, I think it has been demonstrated beyond any doubt that the deletion of this amount will in no way hinder the President from giving all the money he is going to give to the Vietnamization program for the next few months. We have demonstrated that. If the Senator wants me to reiterate the sources available for the money, I shall be glad to do so. This action will in no way inhibit him, and it could not possibly be said that this action will slow down the Vietnamization program, assuming that is a good program and will accomplish what the Senator feels it will. So I do not think that is a valid argument.

As to voting on it, because of the lack of urgency, I can say it is completely unrealistic and is incredible to me that the leadership of the Senate would allow a little, picayunish bill of this kind to stand in the way of public business such as appropriations for defense, on which the distinguished Senator from Arizona (Mr. GOLDWATER) is an expert, involving the huge amount of $66 billion, and the appropriations for HEW. That responsibility is not mine. The leadership, at any moment, can move to set this bill temporarily aside and call up important bills. So the hypothetical is entirely unrelated to the actual facts.

Mr. GRIFFIN. Mr. President, will the Senator from Kansas yield to me without losing his right to the floor?

Mr. GRAVEL. And without it being counted as a second speech.

Mr. GRIFFIN. I am somewhat amazed by the statement of the chairman of the committee because, as I view the situation, it will be the Senator from Arkansas and the Senator from Alaska, rather than the leadership, who will have to bear the responsibility for holding up the business of the Senate.

The provision to which the Senator objects is a very important item. The Senator has said that over and over. The

Senator from Alaska has emphasized that this is a very important item. I might say that it is a very important item in the President's Vietnamization program under which he is bringing our troops home. A number of other bills, including the Defense appropriation and the Transportation Department appropriation, are also very important.

I must say that the image of the Senate in the eyes of the Nation is not enhanced by what is going on.

The President in a special message submitted his request for foreign assistance, including the funds for Cambodia and the funds for Israel and some other countries, several weeks ago. Hearings have been held in both the Appropriations Committee and the Foreign Relations Committee, of which the distinguished Senator from Arkansas is chairman. The issue raised has been debated in the press. It has been debated on the floor.

I can understand, appreciate and respect the position taken by the Senator from Arkansas and the Senator from Alaska. They are against the proposed assistance for Cambodia. They have a perfect right to vote against it. But let us get to a vote. Let the majority of the Senate work its will. I think we owe the Nation an obligation to vote.

I stood shoulder to shoulder with the Senator from Arkansas just a few days ago on a similar question. He will recall that it involved a bill for international financial organizations. At that time, it was the Senator from Tennessee (Mr. GORE), who had some objection to that particular bill.

With respect to that particular bill, I stood shoulder to shoulder with the chairman of the committee in arguing that the Senate should be allowed to exercise its will.

Any reasonable amount of debate is satisfactory to the junior Senator from Michigan. The proposal to aid Cambodia is an important question, and the Senator has a right to be able to do his best to persuade his colleagues. But let us agree to get to a vote on this matter at some point.

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may make a comment on just one point?

Mr. GRIFFIN. The Senator from Alaska has the floor.

Mr. GRAVEL. I yield to the Senator from Arkansas, provided that I may do so without losing my right to the floor and without it being counted against me as a second speech.

Mr. FULBRIGHT. Mr. President, we have been discussing this matter one day, a part of yesterday and now it is 10:30 a.m. The Senator from Michigan and his party took 7 weeks of the Senate's time on the Cooper-Church amendment—7 weeks—and now he has the temerity to stand here and say we are creating a bad image.

I ask the Senator and his colleagues, what kind of image did they create by spending 7 weeks on a relatively insignificant and, I am quite sure, ineffectual filibuster on the matter of the Cooper-Church amendment?

As far as the importance of this matter is concerned, it is important that it not be passed, not because of what it will do to the President's program in Cambodia, but because of its policy implications, because it is necessary to inform the country as to what the President's policy is with regard to all of Southeast Asia. That is why it is important.

As I have stated, it is utterly insignificant insofar as the availability of money to the President is concerned. It is insignificant for the purpose for which it is ostensibly designed, that is, to give money to Cambodia. It is extremely important insofar as the policy implications are concerned.

The Senator from Michigan can take it either way he likes, but I do think it comes with very poor grace for the Senator to accuse us of creating a bad image because we are delaying the Senate, after having given us 7 weeks of the same thing.

I do not think we will go on for 7 weeks. We will probably not go on half as long as the Senator went on with Cooper-Church. We are only asking that this one item go over. The money is available.

I agree with the Senator; I think the Senate has a very poor image. One of the principal reasons the Senate has had a very poor image, in my view, is that it has been unwilling to discharge its responsibility of examining thoroughly, and assuming an independent role on, matters of the greatest importance in foreign relations.

We have fallen into the practice of accepting whatever Mr. Kissinger and his crew recommended to the President and send up here—Mr. Kissinger, who is not available to the Senate for any examination. He refuses to come before the committee; and he is obviously now one of the principal policymakers. He will not come to any committee and be examined in the usual way. And as far as the Secretary of State is concerned, it had been 17 months between his last appearance and when he came for 3 hours the other day. That was the first public hearing on a matter of this importance in 17 months. Theretofore, he had always found excuses not to appear before the committee.

But I agree that the Senate has created a very disappointing image. I do not think it is discharging its constitutional role in our Government, and I think most of us have fallen into the habit of accepting whatever we are handed and saying it is a matter of the greatest importance.

As regards that financial bill, I agree with the Senator from Michigan that the bill is designed for a constructive purpose. It follows long-established policy, through both the Eisenhower administration and the Democratic administrations which followed. There is no real controversy about the major elements of the bill. The controversy was on a relatively minor part of the bill, and I regret that the Senator from Tennessee was so adamant in his attitude about it.

I still think, however, that that bill will be passed in due time. I think it is a question of delay, which I regret very much. I tried my best, both privately and publicly, to persuade the Senator from Tennessee not to pursue that course; but there was nothing I could do about it, as the Senator well knows.

I am perfectly willing to discuss with the Senator, if he is willing, some compromise. But on this matter, there is no compromise about the policy of eventually going all out for victory in South Vietnam. All we are seeking to find out, and believe we are entitled to know is, what is the policy?

That is why I say it is important. It is not important materially. I do not think the Senator from Michigan can possibly say this will slow down Vietnamization, because the money is available and will be available. It cannot possibly do that. All it slows down and delays is the approval—the overt, formal approval by this Congress—of the policy, whatever it may be, that the President has in mind by expanding the war into Cambodia or by extending our responsibilities to take care of the economic and military costs of Cambodia.

That is an important policy. It needs discussion and not just by the Committee on Foreign Relations. This is not to humor the Foreign Relations Committee; it is to discover, if possible, what the policy is. I do not see how the Senator can make any case whatever that we are delaying Vietnamization, and he cannot make any case that we are delaying the Senate. All in the world he has to do to get this bill out of the way is to accept the amendment of the Senator from Alaska—a very minor affair, involving only $155 million. Goodness gracious, that much is peanuts; it is just nothing compared to the big bills waiting to be acted upon. That is not half as much as is sought to be thrown away on the SST.

I do not see why the Senator seeks to enlarge this into a major element. I am amazed that he has not agreed to accept the amendment or take the bill down. Either one would be easy to do, and could be done very quickly.

Mr. GRIFFIN. Will the Senator yield for a further observation?

Mr. GRAVEL. If I may first underscore the same feeling expressed by the Senator from Arkansas, that we are being pressed to make this as brief as possible, and yet I can recall presiding and reviewing the debate that took place over 7 weeks—7 weeks—when I kept asking myself, "Why are some of my colleagues trying to drag this out for so long?"

I came to the simple conclusion that the reason they were trying to drag it out was to let the President pull the troops out by July 1—a date that he slipped into by accident, inadvertently, and then, for some reason, someone on the other side of the aisle felt it was very important for someone's ego, or for the sanctity of the policy in question, to let him have the room to do so before we took up the Cooper-Church amendment, which, to my mind, was a laudatory piece of legislation, but still rhetoric, and without a great deal of strength.

I should be happy to entertain another question at this point, without losing my right to the floor and without it being counted as a double speech.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Alaska yield for a parliamentary inquiry?

Mr. GRAVEL. Without losing my right to the floor, and without it being counted as a double speech.

Mr. GOLDWATER. Is unanimous consent being asked by the Senator from Alaska for the purpose of yielding to the Senator from Michigan?

Mr. GRAVEL. I was in the process of doing that prior to the Senator's parliamentary inquiry.

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAVEL. Does any other Senator wish to ask a question?

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

Mr. GRAVEL. I yield to the Senator from Maryland, without losing my right to the floor and without it being counted as a second speech.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state his parliamentary inquiry, if the Senator yields for that purpose.

Mr. GOLDWATER. Is the Senator putting this in the form of a unanimous-consent request?

Mr. GRAVEL. Mr. President, a parliamentary inquiry on my part. If a Senator chooses to ask me a question, what rights in respect to my holding the floor are impinged upon?

The PRESIDING OFFICER. The Senator may yield for a question without losing any rights.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry?

Mr. GRAVEL. What about a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Arizona will state his parliamentary inquiry, if the Senator yields for that purpose.

Mr. GOLDWATER. Does a Senator have to ask unanimous consent to yield for the purposes of a question?

The PRESIDING OFFICER. No, he does not.

Mr. GRAVEL. And that is not counted as a second speech?

The PRESIDING OFFICER. It would not count as a second speech.

Mr. GOLDWATER. Another parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it, if the Senator yields for that purpose.

Mr. GOLDWATER. If the nature of the purported question turns out not to be a question, is it the right of a Senator to object?

Mr. MATHIAS. I may say to the Senator from Alaska that my purpose in asking him to yield is to ask him a question.

The PRESIDING OFFICER. The Senator may yield to another Senator for the purpose of asking a question, without losing his right to the floor. If the Senator purporting to ask a question then makes a speech, any Senator may object; but the Senator who originally had the floor does not lose his right to the floor, unless the Senator permits the situation to continue after having been put on notice.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Alaska yield for the purpose of a parliamentary inquiry?

Mr. GRAVEL. Yes. When I yield for a parliamentary inquiry, do I have to state that I am not losing my right to the floor and ask unanimous consent? Is the Chair treating a parliamentary inquiry as it would treat a normal question to me?

The PRESIDING OFFICER. The Senator from Alaska may not yield for a parliamentary inquiry without losing his right to the floor, except by unanimous consent.

Mr. GRAVEL. I yield, under that condition.

Mr. PASTORE. In the Senator asking to yield for a question, or is he limited in any way in laying a predicate for his question which is part of the question?

The PRESIDING OFFICER. The Chair will say that if the person to whom a Senator has yielded for the purpose of asking a question then, instead of asking a question, becomes too long-winded, the Senator who originally had the floor and yielded would have to protect himself by refusing to yield further.

Mr. PASTORE. Mr. President, will the Senator yield for another parliamentary inquiry?

Mr. GRAVEL. I yield.

Mr. PASTORE. If a Senator began his question with the words "Is it true," and then went on and on and on, who is to say at what point the question should be limited?

The PRESIDING OFFICER. That could then become a question for the Senate itself to decide.

Mr. PASTORE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. GRAVEL. I am happy to yield to the Senator from Maryland for a question.

(Mr. STEVENSON took the chair as presiding officer.)

Mr. MATHIAS. Mr. President, I thank the Senator from Alaska for yielding for a question. It is a simple question. It is a question which is raised in my mind by a letter that has come to my attention. It is a question which was further raised by the action of Congress within the past week in rejecting an appropriation in the sum of $15 million to convert the biological warfare laboratories in Fort Detrick into medical research laboratories to be operated under the jurisdiction of the National Institutes of Health.

It is a pertinent inquiry to this debate, because we are talking here about striking something like 10 times $15 million from this bill, and the letter I should like to call to the attention of the Senator from Alaska and get his judgment on is pertinent to that question. The letter is dated November 3, 1970, and the date is important. It is addressed to the President.

FARMINGTON, CONN.,
November 3, 1970.

DEAR MR. PRESIDENT: I sincerely pray that this letter reaches your hands, that you read it personally, in spite of the fact that every day thousands of letters reach the White House with urgent requests or demands, praises or denunciations. This is above all a question, one I have been asking for a long year, one that finally has kept me awake long enough to write it down and send it to you.

I am one of the millions of Americans, including all too many unaware of it themselves, suffering from cancer. In my instance, it is not a curable form. It is a terminal, unpredictable disease called reticulum cell sarcoma, affecting my lungs. I am twenty three years old, a 1969 graduate of Mount Holyoke College, and, in general, a young woman who knows what she wants, loves life, and longs to fulfill freely her many ideals. One year ago, this fulfillment was postponed before it had barely begun. But I speak nevertheless as a person with a deep faith in God and in the potential of the human spirit. Thanks to God, my own spirit has enabled me to transcend the insidious, prison-like nature of this disease. My soul refuses to be cancer-ridden though the temptation to despair is often great.

I must ask you a question because of what I have heard and seen at a superb hospital which is fighting for my life as I am, the Yale-New Haven Medical Center. I have heard too many doctors express alarm at government cutbacks in aid to cancer research centers, and at the inability of thousands of eager young men and women even to be trained in this vital field for lack of sufficient institutional funds to educate them. I have heard one of the country's finest hemotologists say wearily, "I have worked all my life for this—I don't see the cure. But we are so close, so close." I have seen the faces of my fellow patients in clinics and in wards, expressing the fear that the government and the nation have forgotten them in the course of a cruel and crucial election campaign.

Mr. President, I ask the question, what is the government going to do to help us and those who dedicate their own lives to helping us? I question the nature of a political system, where men who represent the people can appropriate money for missile systems, wars, industrial expansion and more pollution, at the same time sincerely promising more money for fighting poverty and illness, building peace, and ending pollution. I do not feel any identification with those in my generation who support anarchy and "liberation" and guerrilla "heroes". They offer no future to reassure anyone; they can find no past history to convince anyone. At the same time, I do not attack all men who care, who share my faith in the human spirit, as radical liberals, as a kind of blight to be totally removed from our government. I am trapped in the middle ideologically; more than that I am trapped in a kind of middle physically.

I ask you the question, Mr. President, and I sit and wait for an answer from the human spirit, not from the records or the computer sheets or the past. We, millions of us, are only praying for a future, and asking the question, why can't the world's greatest nation, which has so heroically conquered outer space, fight to conquer inner space as well? Mr. President, I know you bear the burden as well as the greatness of your position, but can you imagine what it is to have an incurable cancer lurking in one's own inner space, when life is so great and so good, when there is so much to be done in God's world?

Very respectfully yours,
ANNE RUTH SINGER.

Now let me say to the Senator from Alaska that the answer to that letter will never reach Anne Ruth Singer because Anne Ruth Singer is dead.

But the Senator's motion is to strike $155 million from this bill, 10 times the

amount it would have taken to operate existing facilities at the Fort Detrick Biological Warfare Laboratories for the purpose of medical research.

Totally aside from the strategic aspects of this situation, and totally aside from the foreign implications of this situation, does the Senator feel that the investment of this money is in the order of priorities for America at this hour?

Mr. GRAVEL. Mr. President, it would be difficult——

Mr. GOLDWATER. Mr. President, will the Senator yield for a parliamentary inquiry? I should like to inquire of the Chair, if he were forced to make a decision, whether that last statement constituted a question?

The PRESIDING OFFICER. The Chair would not treat that as a hypothetical question. The point has to be made, for the Chair to make a decision on the question.

Mr. GOLDWATER. Would the Chair repeat that?

Mr. GRAVEL. Mr. President, in answer to the question, I think it would be difficult to be more eloquent than the letter itself from this young lady. But my answer is very simple: Yes, I share her view. I share her total consternation over the apparent realization that she has, that I have, and that I am sure most of my colleagues and most of mankind have, over the frustration of realizing that man has not matured to a sufficient level, that man has not the decision-making processes, even though he can point and say that war is insane, and understand that insanity, but not have the processes at his disposal to make a decision or to effect a number of decisions which would withdraw man from the brink of this total insanity we find ourselves in.

My answer is "Yes" to the Senator's question regarding the letter from the young lady. I could not agree more.

Mr. MATHIAS. I have a further question.

Mr. GRAVEL. I yield for a question.

Mr. MATHIAS. If the Senator's motion is defeated, this means that a quarter of a billion dollars of American money will be invested in Cambodia over and above the sums now being spent in Vietnam and Laos.

In forming my question, I should like to refer to a conversation I had not too long ago with a man I had appointed 6 years ago to the U.S. Military Academy at West Point, a young man who had demonstrated his loyalty by not only serving one tour in Vietnam but, after the usual period of rest and rehabilitation, volunteering to return to Vietnam for a second tour of duty, a young man whose duty in Vietnam involved living out in some of the villages, with one or two other volunteers who were with him, and living intimately with the people of Southeast Asia.

I said to him:

What was it like?

He said:

The problem is, as I see it, living with the people of Southeast Asia, that we have got too much money and too many machines and too much presence. We are just like bigger Frenchmen to the people of that part of the world. And I have come to the conclusion that if a great nation wants to bring down a small nation, the way to do it is to embrace it.

Does the Senator from Alaska feel that giving a quarter of a billion dollars to this small nation which has somehow or other, God knows how, managed to keep its neutral position and its identity through a quarter of a century of war, would not be the kind of fatal embrace that would finally bring down the Cambodian people?

Mr. GRAVEL. In answer to the Senator's question, I could not agree with him more. I think the facts bear that out because when we began to embrace them on April 30, 10 percent of the geographic area of Cambodia was controlled by the Communists. When we phased out the first part of this embrace, 50 percent of the geographical area of Cambodia was in Communist hands.

I will introduce later into the RECORD the historical documentation about all the efforts made by the Cambodian Government to remain neutral. It had an impossible situation trying to stay neutral toward China and North Vietnam on one side and the United States and South Vietnam on the other. In fact, it got so bad at one point that there was a Security Council resolution condemning the incursions and invasions of South Vietnam into Cambodia. This, of course, was, I believe, in the late 1950's.

Of course, Cambodia did consider itself a neutral nation. But we have succeeded as a policy from taking that neutral nation, and through the deposition and disposing of Sihanouk—and here I do not know who can say whose fault it was, whether Lon Nol's, the CIA's, or the Communists'. But I have read stories that he was unpopular with both sides, which only adds further credence, in answer to the Senator's question, that he was a successful neutralist. He did not make the participants on either side very happy, but he was, in my mind, an intelligent person. I may not be in agreement with the form of government or the monarchy Cambodia has, but I think any intelligent observer would have to conclude that under his reign there was a good deal less destruction in his country than has existed under Lon Nol's reign.

Mr. MATHIAS. I will ask one final question.

Mr. GRAVEL. I yield for a question.

Mr. MATHIAS. Has the Senator been disturbed, as I have been disturbed, by news reports of recent days that unusual measures had to be taken to protect U.S. forces stationed in Vietnam, not from the North Vietnamese or the Vietcong but from the people of South Vietnam; and would the Senator give us his opinion as to whether this investment of a quarter of a billion dollars in Cambodia might not unleash upon the United States one more episode of the kind we are experiencing in South Vietnam today, if we are to believe the reports which come to us about the attitude of the people of South Vietnam toward America, after all these years, after spending all these billions of dollars over there, after piling up all these debts, and all the blood, and all of it?

Mr. GRAVEL. The answer, of course, is very simple. It was demonstrated by the riots of students over the fatal shooting of a South Vietnamese student by an American soldier. I do not know whether the shooting was an accident. I am prepared to believe that it was. But the vitriolic response to that act certainly to my mind does not evidence what one would call a broad spectrum of support for the amount of blood their freedom.

This, of course, is an unfortunate part of the rhetoric we use in this country in regard to this war. But the truth does creep out every so often when we see outbursts and when we learn of the preventive policies and activities undertaken by our forces, toward which the South Vietnamese populace did not show the proper degree of gratitude, but rather showed a great deal of malice.

I personally believe that were we to accelerate the Vietnamization program for 3 months, which means that we take out every last soldier, we would not have difficulty with North Vietnam in effecting that extracation. Our difficulty would be in protecting ourselves from the South Vietnamese or from some of the elements of the South Vietnamese.

That, of course, is the irony of the situation—the lack of comprehension that is involved in this country because of the use of rhetoric.

Let me give another example how this operates. We talk of protecting the Vietnamization program by going into Cambodia. We now have to spend money in Cambodia because that will help our Vietnamization program.

The Vietnamization program was announced and undertaken much before this ever came about. In fact, the Vietnamization program was announced in May 1969, almost a year before the acceleration of events in Cambodia. So, obviously the administration in announcing the Vietnamization program knew that this program could be undertaken with the status quo that existed in Cambodia, and that the sanctuaries would continue to lend support to the North Vietnamese or the Vietcong. And we knew as a matter of policy that the Sihanouk government did not have the military muscle nor the desire to wipe out entirely these sanctuaries, because they were attempting to maintain a sort of neutrality. In fact, there was a tacit agreement between Sihanouk and the Communists that if this precarious balance was maintained and not accelerated, the status quo would be maintained in Cambodia.

What we had to do was to make our contribution to such a tacit agreement and continue our Vietnamization program. But no. This administration turned 180°, vectored on a totally different approach. That approach was not to maintain the precarious balance of neutrality in Cambodia. It was a policy directed toward getting in and making our position better. It was thought that our position would be better if we had control of Cambodia.

Subsequent events developed, and what contribution this Nation played in those events history will be a long time in finding out. The events were such that it was a pro-American that deposed Sihanouk. A coincidence, but obviously it seemed to favor our position temporarily, but unfortunately only temporarily, because no sooner had his successor ascended to power than his total weakness was apparent. It was so apparent that this administration had to take the next step and move into Cambodia with force of arms and shore up this teetering government.

We are told that this expansion of the war was made in order to effect and promote Vietnamization.

That goes back again to the logic of using rhetoric which has no sense of realities of the moment.

It is unbelievable that the American public believes this rhetoric. We are so used to dealing in words that when a person says that we are not going to go into that area, that statement is believed. But when we appropriate money, we get angry when the world says they do not believe us when we say that we are not going to do more in Cambodia.

Here is an appropriation of more money. It would take an idiot, it would take a not well adjusted person, to say that we are really increasing our Vietnamization efforts.

When we undertook in May 1969, the Vietnamization program, that was truly designed to extricate all our troops from Vietnam. The administration meant that, and the people believed them. I believed them. I held the view that we were sincerely going to see the day in the immediate future when we would not have a single American boy in South Vietnam.

I held that belief. In fact, I can recall making speeches around the country and thinking that President Nixon had undertaken a course which was proper and which was getting us out of Vietnam. But I had all of my beliefs dashed on April 30, totally dashed because it took that move to make me realize that his definition of Vietnamization was very different from my definition of Vietnamization.

I humbly suggest that the view of the American populous toward Vietnamization is the one that I held prior to April 30, and that it will take other events for them to realize that they misunderstood the meaning of the word attached to the policy, and that they were to some degree deceived, but not maliciously deceived. I do not impugn the motives of the President. I do not think he loves his country any less than I do.

I take a different approach. I take the view that the strength of our country lies not in the strength we can exhibit in foreign lands, but that the strength of this country lies in what we can do within the territorial confines of this country. It lies in the quality of our economic fiber. More important than that, it lies in the quality of our moral fiber, which has been totally brutalized and eroded to the point that the appropriate bodies of leadership are ashamed and overcome with consternation when they read of reports of what has happened there. We read the reports of what happened at My Lai. All we can do is read them in stupified silence, when we realize that a human being—regardless of whether he is American, South Vietnamese, or Chinese—could kneel down and put his carbine on his shoulder and pump a couple of rounds into a South Vietnamese child. All we can do is stand in shock.

Then we come to the floor of the Senate as U.S. Senators and sit here and hear someone say that there is a piece of legislation here by which we will appropriate $155 million.

As a Senator standing in the briefing room in the State Department, I heard someone tell us that this is for small arms ammunition and that it is necessary because we have to do this.

It does not make any sense. It just does not make any sense. That, of course, is the reason why the young lady wrote the letter which my colleague, the Senator from Maryland (Mr. MATHIAS) referred to. She took a similar, stunned view, wondering why and how this situation could come to pass. It comes to pass very simply because we in the Senate, the House, and in the administration accept the status quo and accept the fact that history has gone on before us and that we, as humble little men, cannot do much to change that history. That is the tragedy of it all, because we can change history. If we were successful in thwarting the passage of this legislation, what really would be involved? It would importune this body by the discussion we are undergoing, but would it alter the position of the administration on Vietnamization? I think it would. I think we would find ourselves with a legislative part of our Government not in concert with the policy that was initiated, and the fact that it was not in concert would result in dialog all over the country. And it would be the subject of hearings when Congress next reconvenes. But more important in my mind would be the dialog in the country. It would be written about and people would reflect. They would say, "Do we really have to spend for economic and military aid in Cambodia in order to back up our Vietnamization program?"

I think it is a good question and it is a question the people of this Nation should ask, because as they ask that question they will ask the next question which is, "If we do have to expand our involvement in economic and military aid to expand the war and killing to safeguard Vietnamization, what is the definition of Vietnamization?" Then, this total dialog would come full circle to the experience that I and others prior to me have had, which is that the word and the connotations of the word are incorrect; that the word, although not maliciously a part of this administration's program, was a part of the technical rhetoric which is being used to wage the war.

I say part of the technical rhetoric because the rhetoric expands much beyond Vietnamization and the extrication of troops; it has expanded as a tool of prosecuting our goals and the way we talk about our prisoners of war.

I can recall when the President appointed a very famous astronaut to go around the world to try to probe and seek a method of extracting or exchanging or finding some way to get our prisoners of war out of Vietnam. They have 1,500 of these gentlemen. I had hoped this effort would be successful and I applauded the effort.

But I cannot help but think that this effort—and here again I am not impunging the motives, but I cannot help but think of the logic of the statements and events—is a part of the battle of rhetoric and a battle to play upon the emotions of the American populace to feed the fires of patriotism and hatred which are so necessary to carry out a commitment in time of war.

I can recall as a child when I was 10 or 15 years old in World War II, how much I hated the Nazis and wanted to see them die, and I relished in the thought of this as a child; and how I hated those slant-eyed Japs and relished the thought of their being killed so we could win the war. These are bestial emotions and the emotions that Woodrow Wilson so ably defined when he wept over the declaration of World War I when he realized he would have to call upon these emotions in the American public to be able to wage that war. These are the emotions which in a calculating fashion we called upon; that this administration calls upon, seeking to have the bosom of this Nation well up in maximum patriotism and say, "These devils are doing harm to our good American boys," and they may well be doing that, and I deprecate their doing that; but to play to that with a false objective and the realization that you do not stop a war at 5 o'clock and say, "Let us exchange prisoners," smoke a cigarette and swap a little whiskey or sake, and then go back to shooting again.

Those were the polite wars of feudalism, not of today where we pump a couple of rounds into a little 3-year-old child and drop napalm. No, we do not do that. And to think we could effect such an international policy, to have that kind of a war, is appealing to a mysticism that is not of this era. But yet in the battle of rhetoric that is being waged by this administration, that is part of the tactic, and it is part of the rhetoric to talk of our boys, to appoint "high-visibility" individuals to go around the world and make this issue very, very visible, then to have a joint session of Congress to hear a report stating the obvious. I have not seen many joint sessions in my short tenure, but I can frankly say that I had a question in addition to the emotions I underwent and which every American would undergo, but my question was with respect to an astronaut not talking about his voyage in space but his voyage around the world which produced nothing except greater anguish in the hearts of the families which must suffer to have their loved ones imprisoned in a foreign land.

We could say we use that anguish to build a head of pressure to appropriate $155 million more to kill people. That will not do anything. That $155 million more will lead us down the road to get more American boys captured, to have more American boys brutalized, and 5 years from now we can again send someone around the world to see if we can turn back the clock and make this war an encounter of a prior century so we

can stop the hostilities and exchange our troops and get back these boys.

The rhetoric that we have to protect our boys is not new with this administration. In fact, if I have heard that once on television I have heard it a dozen times by a President of this country.

Why are we doing this? It is to protect the boys. That has been the whole level of the dialog—to get back our prisoners, and to protect our boys. That is not the level on which the dialog should be. The dialog should be 10 stories above that level, because the issue is not whether the "radical libs" or the conservatives want to protect our boys or get back our prisoners of war. Obviously, all shades of the entire spectrum of American society want to protect our boys and bring back our prisoners. The issue is, Why are our boys being killed and why are our boys being taken prisoners? If we were able to stop that, we would obviously rapidly and very clearly stop the problem.

I thought that Vietnamization was a way of stopping that. Unfortunately, I found out, cruelly, that it was not. I claim no omniscience in this realization. Many had it before I had it.

I would only hope that this too brief dialog would add some amount of information and would add some amount of light to the broad national consensus, because I think we, in our vanity in this Chamber, think the consensus wells up from this floor alone. It does not. That is the reason why, when we talk here, we talk not to a small gathering who can afford the price of coming to Washington, D.C., but we talk to the world and to some degree, although we do not always appreciate this, the world does listen.

I would hope, as I stated earlier, that the dialog that takes place will add some knowledge to the discussion not only here in the Senate, in preparation for the decision that Senators must make in voting on this small monetary measure, but that the dialog will begin to focus on the policy that is going to be brought about by this vote.

I stated earlier, and I state again, the Tonkin Gulf vote was peanuts compared to this, because the Tonkin Gulf vote was an expression of will. It was an expression that permitted the administration at that time to undertake a policy. But what we are talking about here is much more direct and more important, because it is not a broad, hazy statement of will, but it is a very precise statement of policy backed up immediately by the money to implement that policy. To this date that policy rests only at the doorstep of this administration. When we vote on this we broaden that policy to the legislative, and the mutual concert of both makes it a total national policy upon which other nations of the world will now bring their positioning and their decisions.

At this time I yield the floor.

Mr. FULBRIGHT and Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I want to congratulate the distinguished Senator from Alaska on the remarks he has made with regard to the significance of the pending measure. I agree with him that the long-term significance of this measure is comparable to that of the Tonkin Gulf resolution, because, in my opinion, it will be interpreted, without any question, as a commitment to assume a major responsibility for the support of Cambodia both in the economic and military field.

A few items have appeared in the newspapers recently that seem to me to throw some light upon the subject. I earlier referred to the fact——

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. FULBRIGHT. Mr. President, I do not yield for that purpose unless I have unanimous consent that I do not lose the floor.

I ask unanimous consent that I may yield for that purpose, without losing my right to the floor and without its being counted as a second speech.

Mr. DOLE. When the Senator from Alaska leaves the floor, does he lose his right to the floor?

Mr. FULBRIGHT. Mr. President, I do not yield except by unanimous consent. For the Senator's information, I have been recognized.

Mr. DOLE. The Senator is the leader now?

Mr. FULBRIGHT. I have the floor. I did know what the Senator was going to ask. I thought he was going to ask me a question. For the Senator's information, I have the floor and expect to hold the floor for some time.

Mr. DOLE. Enough time to give the Senator from Kansas an opportunity to have lunch?

Mr. FULBRIGHT. Yes; the Senator can have lunch, and perhaps dinner, too.

Mr. President, the fact is that the administration was involved in this aid program long ago. Certainly as long ago as June or July, they were preparing, and did prepare, their request and did transfer large amounts of money to Cambodia without express authority for any aid program to Cambodia. They utilized contingency funds, money in the nature of contingency funds, which were authorized in existing legislation intended to take care of real contingencies, not well-developed plans for the support of a country. That is the way I would interpret the discretionary authority. By its very nature, discretionary authority is given to the President simply because he cannot anticipate all eventualities. It is provided for times when genuine emergencies arrive; but when the money is used in this fashion, I think it is contrary to the intent and the spirit of the discretionary authority.

For example, on July 8 an article appeared in the New York Times entitled "New U.S. Arms Aid Due for Cambodia. Officials Drafting $50-Million Plan—No Heavy Military Equipment Is Included," by Hedrick Smith. The article reads:

> The Nixon Administration is drafting plans for a $50-million program of military aid for Cambodia in the coming year as part of its continuing effort to bolster Premier Lon Nol's Government against Communist forces.
>
> Such a program would be in keeping with the Administration's declared intention to aid the Cambodian Government and encourage other Asian powers to assist it, but without a direct American military commitment to its survival.
>
> Official sources said the White House had not given final approval to a specific aid package but explained that the amount was expected to be several times larger than the $7.9-million in small arms and other military equipment shipped to Cambodia, or approved for shipment, earlier this year.
>
> They said that interagency planners expected a package of $50-million, roughly what the White House is said to believe Congress will approve.

That is rather ironic, because they did not ask us to approve $50 million. They made it available without asking Congress. They simply took it from existing funds. The article reads further:

> Because of sensitivities on Capitol Hill, officials emphasized that American military aid to the Cambodian regime would have to be restricted to small arms, jeeps, trucks, communications equipment, uniforms, tents and other light equipment.

As a matter of fact, there is no restriction whatever in existing legislation. They can spend it for anything they like. It is simply an outright authorization of $285 million, and it has no restrictions on what kind of weapons we can give them.

> It is not clear whether the entire package will be part of the worldwide military aid program, requiring Congressional approval, or whether part of it will come from general contingency funds subject only to the President's control.

Well, it certainly did become clear that these funds came from funds subject only to the President's control.

If the administration really had any respect for Congress, and was willing to follow the usual procedure, they would at that time, have submitted a request for authorization for the amount which they deemed to be necessary in Cambodia. Instead, they waited until after the election, and submitted this supplemental request at a time when it was virtually impossible to have adequate hearings or to examine the significance of the policy involved in this request. The article goes on to say:

> Officials said, however, that the Cambodian request for some heavy military equipment such as helicopters, tactical jet fighters, naval patrol craft and artillery pieces is likely to be turned down. These items were part of the $500-million in military aid requested by Premier Lon Nol in a message to President Nixon on April 20.
>
> CAMBODIAN ARMY EXPANDED
>
> The Cambodian Government requested ample aid to expand its army from 30,000 men to roughly 200,000 but the Nixon Administration questioned its ability to absorb large amounts of technologically advanced equipment. Some high officials also opposed large volumes of American aid because they feared it would lead the United States to the same kind of involvement in Cambodia as in South Vietnam.

Well, it is reassuring that at least some officials questioned the wisdom of this policy; but obviously, from the conclusion reached in this bill, the other side won the day. I am quite confident that, as in all bodies of men, there was dissent, but the majority—and, of course, the President—decided to ask for this amount.

Instead, President Nixon approved in June a modest stopgap military aid program of $7.9-million to provide 20,000 M–1 rifles and M–2 carbines, some pistols and 30-caliber machine guns, plus ammunition, medical supplies, uniforms and radios.

Previously, the United States had delivered to the Cambodian Army about 6,000 Soviet-designed AK–47 rifles, some 60–MM. and 82–MM. mortars, light and heavy machine guns, antitank rocket launchers and some ammunition for these weapons, all captured from enemy forces in Vietnam.

The statement in this article that what they really had in mind were simple carbines, rifles, and ammunition is not borne out by what we actually have given to the Cambodians. Since April 22, 1970, they have programed such items as C–47 aircraft, AC–47 cargo aircraft, T–28B light attack aircraft, utility helicopters, observation aircraft, river patrol craft, medium landing craft, miscellaneous boats and craft, armored personnel carriers, armored cargo carriers, special-purpose carriers, armored recovery vehicles, military trucks and trailers, civilian ambulances, submachineguns, machineguns, recoilless rifles, and howitzers.

At least some of these items are quite sophisticated and require a good deal of training, to be effectively used. Normally of course, a large number of advisers would be required.

They also have received telephone terminals, tactical radio, and regional radio. I am quite sure, although such equipment is not listed here, that we will end up giving them a television network, as we have in South Vietnam. They will be supplied with military bridge sets, forklifts, tool kits, and all kinds of spares, et cetera, to go with them.

The administration expects to give additional items of a similar nature, many of which are quite sophisticated in anyone's language. The communications equipment, as well as the aircraft, might well require advisers and trainers.

That article was dated in July. I have another article dated in June, headlined "Pentagon Asks for Drafting of Aid Programs."

As a matter of fact, we sent men to Cambodia, back about the time of the invasion, with instructions to draw up plans for an aid program. That only fortifies and, I think, underlines the point I have made that there is no real excuse for not having submitted this program to Congress as long ago as June or July. Instead, as I have stated, they have waited until the last days of this Congress, which has so many important measures to be taken up.

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

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. What contribution to progress toward a negotiated settlement does the Senator think aid to Cambodia could possibly make?

Mr. FULBRIGHT. Well, I will say to the Senator, I do not think it will make for any progress toward a solution except on the theory of a military victory. But I think the policy involved in the question of Cambodia is consistent with the abandonment by the administration of any hope of a negotiated settlement, and with the resumption of a policy of bringing about by force, for all practical purposes, a capitulation by the enemy. This is what I think it means. I think that is the central significance of approving this item in the bill: That if we approve it, it will be interpreted as our having given our approval of a policy of seeking a military victory—a policy which this President earlier had specifically disavowed.

Mr. GORE. Will the Senator yield further?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. The Senator recalls, I am sure, that during the previous administration there was a policy of bombing North Vietnam to the peace table?

Mr. FULBRIGHT. That is correct.

Mr. GORE. They did not come to the peace table until the bombing stopped.

The Senator will recall, does he not, that the program of so-called Vietnamization was advocated on the basis that it would provide an incentive or pressure for the North Vietnamese and the Vietcong to negotiate a settlement?

Mr. FULBRIGHT. That is correct; I do.

Mr. GORE. The Senator will recall also that the invasion of, or the incursion into, Cambodia was advanced and sought to be justified on the basis that this was necessary to make Vietnamization work and that both the incursion of Cambodia and Vietnamization were intended to provide a greater incentive for a negotiated settlement. Yet, did not the distinguished Secretary of State, William Rogers, recently say that progress toward a negotiated settlement had been "zero."

Mr. FULBRIGHT. That is correct. He so testified in open hearing.

Mr. GORE. If neither the bombing of North Vietnam nor Vietnamization nor the invasion of Cambodia has made a contribution toward a negotiated settlement, what reason is there to believe now that aid to the Lon Nol government and thus, by congressional approval, incurring a commitment for the defense of Cambodia, will contribute toward a negotiated settlement of this war?

Mr. FULBRIGHT. I say to the Senator that I do not think there is any reason to believe it will contribute to a negotiated settlement in the sense of a compromise, a settlement short of a military victory, in which the power of the enemy to resist is eliminated, which the previous administration decided was not feasible, short of using, I suppose, nuclear weapons—I mean, without causing the total devastation of the country.

President Nixon said in his campaign that he had a plan to bring about a settlement of the war. That was interpreted to mean a negotiated settlement, I thought. I think I am not misquoting him—I do not know the exact words—when I say that the policy was not to seek a military victory. That is my impression. Was it not the Senator's?

Mr. GORE. To use the President's own words, he "ruled out" a settlement on the battlefield. But there was an abandonment of that position by degrees, as the able Senator will recall, through the year 1969, until the President's militaristic, hawkish speech of November 1969.

Does the able Senator recall that on the day following the invasion of Cambodia, I rose on the Senate floor and expressed the apprehension that the real purpose of the invasion, somewhat contrary to the stated purpose, was to support the Lon Nol government and to prevent the return of Sihanouk, and that I sadly expressed the view that the inevitable consequences of that ill-advised invasion of a small country would not be progress toward a peaceful settlement but that it would increase the difficulty of a peaceful settlement and, moreover, that it would lead to another costly client-state and the involvement of the United States in the support of the Lon Nol government and in the defense of Cambodia?

Mr. FULBRIGHT. The Senator has stated it very well, and I wish to congratulate him upon his foresight. This is not the only time he has correctly interpreted the actions that have been taken by the administration. His experience has enabled him to foresee what the consequences of those actions would be, and in this case what he has said, as to the consequences of those actions, has certainly been borne out.

It is very difficult for those of us, like the Senator, who are members of the Committee on Foreign Relations, to disentangle the meaning of these actions from the rhetoric that is used in connection with them. That is why a discussion of these matters, especially this matter, is warranted—in fact, is in the national interest. I think the least we can do is to examine these matters and to submit to the Senate and to the public what we believe to be the significance of these matters. If they wish to adopt these policies in spite of that and wish to go down that road, it is within the power of the country and the power of the Senate to go down that road. But they at least ought to do it with their eyes open and to know what they are doing.

I think the Senator from Tennessee has been in the forefront, as have other Members of this body, in interpreting the significance of the actions taken by the administration. I certainly commend him for it. He deserves great credit.

I think the Senator might be interested in a letter to the editor of the New York Times on October 3 of this year, from Mr. Cecil Holmes. It begins:

To the Editor:

"If in November this war is not over, I say that the American people will be justified in electing a new leadership, and I pledge to you that new leadership will end the war and win the peace in the Pacific."

This was said not in 1970 by a Hatfield or a McGovern, but in the 1968 campaign, by Richard Nixon.

Mr. GORE. Did that pledge a piecemeal withdrawal of American troops over a 4-year period and even the retention of untold thousands of troops there—Air Force or whatnot—to maintain in power the Thieu-Ky regime?

Mr. FULBRIGHT. It did not. He was saying flatly that if it was not over by November—which reminds me of something else. Several Senators, including the Senator from Kansas, have reiterated the fact that Vietnamization is ahead of schedule, that 15,000 troops

have been withdrawn ahead of schedule. But I recall to the Senator that I think it was in June or July of 1969, former Defense Secretary Clifford wrote an article in Foreign Affairs magazine, and perhaps also appeared on television, giving his recommended schedule for withdrawing combat troops. He said that 100,000 should be withdrawn by the end of 1969 and all ground combat troops, I believe, by December of 1970, this month. In commenting upon Mr. Clifford's proposal, President Nixon, if I recall correctly—I will not try to quote him—said, in effect, that he expected and intended to do better than that. That was the schedule set by the President early in the summer of 1969. Does the Senator recall that?

There has been talk about a schedule. How far behind is he in his original schedule? They say he is 15,000 ahead of his schedule. That was the second schedule, a later schedule. Of course, if you keep changing a schedule, you can always be ahead of it.

Mr. GORE. How about the schedule the Senator just read?

Mr. FULBRIGHT. That, of course, is the schedule he set in 1968. He said then that if they were not out by November of 1968, the country needed new leadership. He was saying, in effect, that if President Johnson and the Democrats did not have the war over by November of 1968, they ought to be thrown out, and of course they were thrown out. I am quite sure that one of the most important elements in that campaign was the belief that President Nixon was committed to end the war in the very near future, not draw it out over 5 or 10 years, but end it in the near future. He did not give a specific date, but the reasonable assumption would be, I would say, that within at least 6 months he would have the war on the way to being ended, that a settlement would be agreed upon, a negotiated settlement similar to that which the French brought about after they made the decision to liquidate the war in Vietnam, having fought there for 8 or 9 years—from 1946 to 1954, I believe. They decided, in May or June, I believe, that the war was no longer in their interest, and it was only approximately 6 weeks from the time of the decision to liquidate the war that they had a cease-fire and what is called the Geneva accords, setting out all the conditions for a settlement and disengagement, and had actually brought about a disengagement.

So it is not all that complicated, the idea that the other side will not negotiate. Of course they will not negotiate a surrender. They did not negotiate a surrender in 1954. Their unwillingness to negotiate a surrender has given the administration its talking point that the opposition will not negotiate. Whether anyone negotiates depends on the terms. This, I say, is the significance of the request. It is a small request relatively, but it is indicative of a decision that has been made and not announced, that we are returning to a policy of seeking a military victory. That is what I believe.

True, the North Vietnamese have been severely mauled and much of their country has been destroyed. True, a great many of the Vietcong have been eliminated. The Phoenix program, about which we have heard a great deal, no doubt has resulted in the capture or elimination of a great many of the Vietcong, composing the infrastructure in South Vietnam. I would not deny for a moment that they have been severely weakened. However, I do not think that means they are about to collapse. There are still an estimated 40,000-odd North Vietnamese and Vietcong in Cambodia. Many who were in South Vietnam evidently have moved into Cambodia, which is a much bigger country where they are much better able to maneuver, and where they can therefore operate with greater safety.

Mr. ALLEN. Mr. President, with all due respect to the distinguished Senator from Arkansas——

Mr. FULBRIGHT. Mr. President, I do not yield the floor except for a question.

Mr. ALLEN. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. STENNIS). May we first have order in the Chamber.

Mr. FULBRIGHT. Mr. President, I was speaking. I do not know what the Senator wants to object to. I was completely in the regular order. I was making a statement. I was not the one asking a question. The Senator must have misunderstood what I was saying.

Mr. ALLEN. I have the right, under the rule——

Mr. FULBRIGHT. Mr. President, I do not yield to the Senator from Alabama for any purpose except for a question. If the Senator wishes to ask me a question, I shall yield for that purpose.

Mr. ALLEN. Mr. President, I did not ask the distinguished Senator from Arkansas to yield. I merely called for the regular order.

Mr. FULBRIGHT. All right, Mr. President, I am enjoying the regular order. Mr. President——

The PRESIDING OFFICER (Mr. STENNIS). The Senator declines to yield. Just a minute now. Let us all remember that this is the Senate. Let us have quiet. Everybody is walking around here all the time. Staff members are coming in and going out. Let us have quiet. Will Senators kindly sit down. The Chair thinks that would lend something to the occasion. The Chair will rule in just a minute, but first Senators who wish to confer will do so outside the Chamber. Those who wish to remain will kindly sit down.

All right; the Senator from Arkansas has the floor and he declines to yield.

Mr. ALLEN. Mr. President, I call for the regular order, which does not require yielding.

Mr. FULBRIGHT. Mr. President, I do not yield for anything other than a question.

The PRESIDING OFFICER (Mr. STENNIS). All right. The Senator from Arkansas is reserving his rights. Frankly, the occupant of the chair is advised that under the rules of the Senate, when a Senator calls for the regular order, he is entitled to have a chance to state the point and the reason upon which he is calling for the regular order.

Mr. FULBRIGHT. Without losing his right to the floor.

The PRESIDING OFFICER. Without losing his right to the floor.

Mr. ALLEN. Mr. President, unless the call is for the regular order. My call for the regular order was to deprive the Senator of the floor——

The PRESIDING OFFICER. The Chair will rule on that when he gets to it. The Chair just said, without losing his right to the floor. Let the Senator from Alabama state his point.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER (Mr. STENNIS). Let us have quiet please. The Chair has requested all these staff members to sit down, unless they are actually engaged in the discharge of their official duties. They have no right to be here under any circumstances. They have the privilege of being here only if they are actually engaged in the discharge of their official duties.

Mr. ALLEN. Mr. President, at the conclusion of last evening's session, the Senate went into recess until this morning, thereby continuing the same legislative day. The rules provide that a Senator is limited to two speeches on any one subject in any one day—and this means a legislative day. I would like to call attention to the fact that during this legislative day, the distinguished Senator from Arkansas got the floor in his own right on two separate occasions, those occasions being separated by yielding the floor on one occasion.

The pages of the CONGRESSIONAL RECORD which indicate that at page 41643, when the distinguished Senator got the floor for the first time; then he yielded the floor at page 41657, and got the floor again in his own right at page 41672; thereby he had his quota of two speeches on the subject of the Gravel amendment.

So I make the point of order that the distinguished Senator from Arkansas is not entitled to make a third speech on the same subject during the current legislative day.

The PRESIDING OFFICER (Mr. STENNIS). First, we have to get all the facts. May I ask the Senator, these two speeches he refers to, one took place on Tuesday?

Mr. ALLEN. Both are in the same RECORD on one day.

The PRESIDING OFFICER. Both are in the same RECORD on one day.

Mr. ALLEN. The first one is on page 41643 of the RECORD.

The PRESIDING OFFICER. That is the same legislative day.

Mr. ALLEN. The same legislative day but not the same Calendar day, it being on yesterday. Yesterday was the Calendar day, but the same legislative day, inasmuch as the Senate recessed at the conclusion of business on yesterday.

The PRESIDING OFFICER. To be certain the Chair understands the Senator from Alabama, the speech the Senator from Arkansas is making now, except for this interruption, is the third?

Mr. ALLEN. At least the third speech; yes.

The PRESIDING OFFICER. Does the Senator from Arkansas wish to respond to that?

Mr. FULBRIGHT. Mr. President, I say yes for both the Senator from Alaska and myself in yielding. I do not recall what the specific instance was. I will have to consult the record. We usually have said that we have yielded without losing our right to the floor or without having it counted as a second speech. It is possible—I will have to consult the RECORD—that in this particular instance that was not done. I know that the Senator from Alaska usually puts the unanimous-consent request in that way. I am not sure whether we did in every instance or not. However, I say to the Senator from Alabama that he is quite aware, I am sure, of the purpose of the discussion. If he wishes to press this kind of a point at this time, there is a very easy alternative to it. We will simply offer another amendment which would do away with the Gravel amendment. It seems to me that is the alternative if the Senator wishes to push the point and if the Chair is disposed to support the point of the Senator from Alabama. I would very much regret it. But I recognize that is the rule.

The Senator from Mississippi, who now occupies the Chair, having had long and much greater and more thorough experience with matters of this kind, I am sure understands the usual circumstances under which these parliamentary matters are handled in the Senate.

Mr. GRAVEL. Mr. President, would the Chair entertain an additional comment from the Senator from Alaska on the parliamentary question?

The PRESIDING OFFICER. The Chair would be glad to do that. However, the Chair understands he is not permitted under the rule. However, since the Senator from Alaska is involved, the Chair asks unanimous consent that the Senator from Alaska may make a brief statement, and without objection it is so ordered.

Mr. GRAVEL. Mr. President, I think the point of the Senator from Alaska has some justification. However, we found out in the interpretation of the rules that I was in error yesterday in asking unanimous consent for the purpose of replying to a question addressed to me by the Senator from Arkansas without yielding the floor for that purpose. We would have to examine the RECORD in the minutest detail to determine the predicate. After determining that predicate, then we would have to go to the question that I was asked or that I was posing to the Senator from Arkansas. It would be very difficult without a very thorough examination of the record in every detail as to the predicate of each question in each case.

The PRESIDING OFFICER. The Chair thanks the Senator from Alaska for that statement.

May we have quiet? The Chair has tried to refresh his recollection the best he could. It has been the rule and the custom earlier here, and has been the applicable practice that under rule XIX that—

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any question in debate on the same day without leave of the Senate, which shall be determined without debate.

As the Chair has always understood the rule, a Senator may yield only for a question when the regular order is requested. It has been customary that if it were to go further than that, the Senator who had the floor would make a request and ask unanimous consent that he might yield to Senator "X" without losing his rights to the floor.

Years ago that rule and practice was studiously followed. However, the Chair has noticed that in more recent time it has not been followed, it appears to the Chair.

The Chair does not know whether that practice was followed yesterday for certain or not. However, the Chair called for a citation of the two times on which the Senator from Arkansas spoke. That has been furnished. Unless the RECORD shows that there was unanimous consent obtained relevant to this point, the Chair would feel that it would have to rule that the point is well taken.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, is it in order at this time for the Senator from Arkansas to offer a substitute for the Gravel amendment? Would it be in order to offer a substitute?

The PRESIDING OFFICER. Would the Senator indulge the Chair a moment on that point?

Mr. ALLEN. Mr. President, a point of order. The distinguished Senator from Arkansas would not have the right to offer a substitute because his very right to occupy the floor is unauthorized under the rule.

Mr. FULBRIGHT. Mr. President, I understood the Chair to rule a moment ago that in order to take up the matter, the Senator from Arkansas would not lose his right to the floor pending this inquiry with respect to the point made by the Senator from Alabama.

The PRESIDING OFFICER. The Chair ruled, as the Chair understood it, that the Chair was going to permit the Senator from Alabama to give his reasons for the point of order without prejudicing the Senator's right to the floor because of this interruption. However, the Chair thought it reserved the main question.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Chair does not want to decline to hear the Senator from Tennessee. However, the Chair believes, under the rules, that he has all the facts before us.

Mr. GORE. Mr. President, I wish to speak to the point of order.

The PRESIDING OFFICER. The rule states that the matter shall be determined without debate.

Mr. GORE. Mr. President, the phrase "without debate" does not refer to the giving of advice to the Presiding Officer.

The PRESIDING OFFICER. Let us have quiet. The Chair cannot hear the Senator who is trying to address the Chair.

Mr. GORE. Mr. President, the relevant rule cited by the Chair——

The PRESIDING OFFICER. Will the Senator excuse the Chair for a moment? The real matter before the Senate at this time is that the Senator from Alabama has called the Senate to order and has given his reasons. The Chair feels that this is an important matter even beyond the matter involved here. It sets a precedent in that it has not been ruled on recently as far as the Chair is concerned.

Under the facts before the Chair, the Chair rules that the Senator from Arkansas has lost his right to the floor.

Mr. FULBRIGHT. Mr. President, does the Chair rule that it is not in order for the Senator from Arkansas to present a substitute at this time?

The PRESIDING OFFICER. If the Chair recognizes the Senator he could offer an amendment.

Mr. FULBRIGHT. Mr. President, does the Chair decline to recognize the Senator from Arkansas for this purpose?

The PRESIDING OFFICER. It has just been ruled that the Senator from Arkansas has forfeited his right to the floor.

Mr. FULBRIGHT. Mr. President——

Mr. GRAVEL. Mr. President——

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas is in that position.

Mr. GRAVEL. Mr. President. Mr. President. Mr. President. Mr. President.

The PRESIDING OFFICER. The Chair ruled to that effect under rule XIX.

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. Just a minute.

Mr. FULBRIGHT. Does the Senator from Alabama automatically get the floor by virtue of his point of order?

The PRESIDING OFFICER. The Senator from Alabama addressed the Chair.

Mr. GRAVEL. Mr. President, Mr. President. Mr. President.

The PRESIDING OFFICER. Will the Senator excuse the Chair and let the Chair recite the situation? The Chair ruled that the Senator from Arkansas under the facts had lost his right to the floor.

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. The situation is that the Senator from Alabama had addressed the Chair.

Mr. FULBRIGHT. Mr. President, I make the point of order that there is no quorum present.

Mr. ALLEN. Mr. President, I decline to yield for that purpose.

Mr. GRAVEL. Mr. President, a point of order on the recognition. Could we have the Official Reporter read back who was asking for recognition? I understood the Senator from Alabama made a point of order, but I did not hear him ask for recognition.

Mr. ALLEN. He asked about six times.

Mr. GRAVEL. I would like to have it read back, which request is under the rule.

The PRESIDING OFFICER. The Chair recognized the Senator from Alabama and distinctly heard him ask for recognition. He declines to yield. Is that the position of the Senator?

Mr. ALLEN. That is correct.

The PRESIDING OFFICER. All right. Gentlemen, that is the situation we are in. The Senator from Alabama, declining to yield, may proceed.

Mr. ALLEN. I thank the Chair.

Mr. President, we have been seeing some strange filibusterers during the lame duck session, and it looks like the filibusterers are standing in line to filibuster. When we go from the filibuster, as the distinguished Senator from Arkansas said——

The PRESIDING OFFICER. The Chair has to insist that those who are in the Chamber and who are not Senators have to be quiet and be still; otherwise, their right to be in the Chamber will have to be challenged.

Mr. ALLEN. Mr. President, if this amendment offered by the distinguished Senator from Alaska is defeated by a direct vote or by a motion to table, then another amendment carrying out the same purpose could be offered; but at the same time, if we do get a direct vote on the amendment, or on a motion to table, we would at least have the sense of the Senate with respect to the substance of this amendment.

I respect the right of distinguished Senators who have been discussing this amendment at length to discuss it, to debate it in an extended fashion; and as the junior Senator from Alabama, I make this pledge to the distinguished Senators. In the event a cloture petition is filed to cut off debate, he will vote against that cloture move. Once this matter is disposed of, the junior Senator from Alabama supposes we will eventually go to final disposition of the bill, whether it is temporarily laid aside or whether we discuss it for many days.

If we do dispose of it we will only go, I assume, to the Department of Transportation conference report and there the pledge has been made that Senators will filibuster it or discuss it at length for the remainder of the session, if necessary. Other Senators have pledged discussions with respect to the trade bill.

The junior Senator from Alabama recognizes and appreciates the position of the Senators who feel very deeply with regard to the amendments that they have or the opposition that they have to certain of these measures. It is strange, though, that some of the very Senators who are so anxious to amend rule XXII to require only a three-fifths vote to invoke cloture rather than the present two-thirds vote are the very Senators who plan to debate some of the other measures not now under consideration.

Mr. GRAVEL. Mr. President, will the Senator yield on that point, just as a courtesy?

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from Alaska provided I do not lose my right to the floor and provided that when I resume my remarks it will not be considered my second speech on this subject.

The PRESIDING OFFICER. If the Senator will excuse the Chair, the Senator must ask unanimous consent. The Senator who has the floor has to request unanimous consent. The intervenor cannot do it. The Senator who has the floor has to ask unanimous consent. If it is granted it will apply; otherwise not.

Mr. ALLEN. I ask unanimous consent.

The PRESIDING OFFICER. I say that because Senators who have come to the Senate in the last few years would not have a chance, perhaps, to know of that.

Mr. ALLEN. That I might yield not to exceed 5 minutes to the distinguished Senator from Alaska with the understanding I do not lose my right to the floor and with the understanding that when I resume my discussion of this issue it will not be considered a second speech.

The PRESIDING OFFICER. The Senator has to ask unanimous consent to be permitted to do that.

Mr. ALLEN. I ask unanimous consent to yield under those conditions.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. GRAVEL. Mr. President, I cannot help but underscore the surprise and consternation my colleague from Alabama has over the fact that some Members of this body who were very adamant on changing rule XXII are also now speaking broadly about utilizing the benefits of rule XXII. I, like him, have been stricken with the humor of the situation and the irony of the situation.

However, I would like to underscore the fact that the two Senators engaged in today's activities and yesterday's activities were two Senators who stood shoulder to shoulder with the Senator from Alabama in trying to thwart a change in that rule.

The Senator from Alaska would like to underscore that he and the Senator from Arkansas stood shoulder to shoulder with the Senator from Mississippi in trying to thwart any move to change that rule.

I would just like to tell in the short time the Senator from Alabama has given me why I voted to thwart any change in rule XXII. I did so because I feel strongly, as the Senator does, about the prerogatives of the Senate as a legislative body, and that is what is at stake today.

I would be less than candid if I did not concede that I do not think I have the votes to have my amendment agreed to. So why should I stand here and importune this august body when I know I do not have the votes to have my amendment agreed to? It is for the same reason, I am sure, the Senator from Mississippi importuned this body on something he thought quite vital involving the civil rights movement. I am sure the Senator from Alabama in years to come, and I wish him a long tenure, will stand on this floor realizing he does not have the votes to pass a measure but he will importune this body because he feels he is to a greater task, just as the Senator from Arkansas and I feel we are to a greater task.

If it were just a vote on this fact, if it were just $155 million, it would be of no avail, but this body alone is not the deciding voice and within it there does not lie the total decisionmaking process of this great country. It is one minute part of it. There is another part of it that stretches from Maine to Alaska, from Maine to California, and beyond to Hawaii.

It takes time for that large body to become known, to have their will expressed, to get knowledge as to what is going on.

So, what we were doing was importuning the Senate, as my colleague has in the past, and will in the future, by using the full force of the Senate, in all its prerogatives. Those prerogatives should never be diminished, and I will stand shoulder to shoulder with my colleague to maintain rule XXII in January, and I hope 2 years thence in January, if I am reelected, to stand with my colleague from Mississippi in fighting for rule XXII, because of the power it gives this body.

What has happened in our technology is that the Executive has run rampant with its power, not because of the willfulness of men, but because of the complexity of our society. What has really stood still has been the power of this body.

I voted against changing rule XXII because I felt it would be an abdication of the power we have.

So I, like the Senator from Alabama, am amused—I think that is the kindest way we can describe it—by those individuals who fought to change the rule and now tenuously cling to it for a cause which they think is just.

Mr. ALLEN. I thank the distinguished Senator for his remarks. If the distinguished Senator had listened carefully, he would have realized that the junior Senator from Alabama, in speaking of those who seek to change rule XXII, referred to them as being the Senators who will discuss measures not now under consideration before the Senate, having in mind that the distinguished Senator from Alaska and the distinguished Senator from Arkansas voted against changing rule XXII. The junior Senator from Alabama is deeply grateful to the distinguished Senator from Alaska for his statement that he intends to continue to vote to maintain rule XXII intact.

But it is somewhat amusing to the junior Senator from Alabama to see some of the distinguished Senators who discuss the great need of changing rule XXII avail themselves of the slight protection that is afforded to extended discussion by that rule.

The distinguished Senator from Delaware (Mr. WILLIAMS) has asked the junior Senator from Alabama to yield to him for 10 minutes, and for that reason I request unanimous consent that I might yield to the distinguished Senator from Delaware (Mr. WILLIAMS) for not to exceed 10 minutes, with the understanding that I not lose my right to the floor and with the further understanding that when I resume my statement it will not be considered a second speech, but only part of the present speech.

The PRESIDING OFFICER. The Senator has correctly stated the question, as the Chair understands. Now for the first time the Senator has a chance to pass on the request. That is the reason why it has to come from the Senator who has the floor.

Is there objection now to the unanimous-consent request of the Senator from Alabama? The Chair hears none. The Chair recognizes the Senator from Delaware for 10 minutes.

PROPOSED UNANIMOUS-CONSENT AGREEMENT ON CERTAIN MEASURES STILL PENDING

Mr. WILLIAMS of Delaware. Mr. President, the Senate has gotten itself into the ridiculous posture of having a series of filibusters or threatened filibusters all running simultaneously.

The Senate debated H.R. 19911, the Foreign Assistance Act, all day yesterday and still has no prospect of an early vote.

The Senate has been put on notice that when the conference report including the supersonic transport is laid down there may be a 2- or 3-week talkathon.

The Senate has been delayed for several days in debate on H.R. 18306, the act to authorize an increase in our participation in certain international financial institutions.

There is a threatened filibuster when the amendments dealing with the trade bill are before us.

And as if that were not enough, we hear rumors that when the guaranteed annual income plan—Ribicoff-Bennett amendments No. 1097—is before the Senate that may provoke another filibuster.

Excluding Sundays, there are only 15 more days, including Christmas Day and New Years Day, left before Congress officially adjourns January 3, and unless some semblance of order and commonsense is soon restored we shall adjourn without having settled any of these questions.

Whether any or all of these filibusters or threats of filibusters materialize or whether they are mere rumors I do not know, but I do know that if there is no basis for the various rumors than there is to the so-called threat of a filibuster against the guaranteed annual income plan they are groundless.

It is well known that I oppose the administration's guaranteed annual income plan and consider it to be one of the most misrepresented, misunderstood, and oversold legislative proposals that has ever been sent to the Congress, but I am not afraid to debate it on its merits and let the Senate vote.

I have repeatedly said that as far as I am concerned there will be no filibuster on the social security bill or on any of its amendments or proposed amendments, including the guaranteed annual income plan; nor do I know of any plans by others to delay consideration of this bill.

But these rumors persist, and therefore in an effort either to dispel them or to bring them out in the open I now outline a proposed unanimous-consent agreement that I shall submit to the Senate promptly after first establishing a live quorum.

This agreement if acceptable will enable us to complete our business and possibly adjourn before the holidays.

I have checked this agreement with minority members of the Finance Committee and have their support in submitting the proposal with the understanding that the agreement is a package proposal and one in which all Senators will have to cooperate.

I now ask the clerk to read this proposed agreement, which is in four parts, for the information of those present, following which I shall suggest the absence of a quorum. I shall then present the agreement to the Senate.

This list includes all the bills which the administration has placed on its priorities list as needing consideration before adjournment. The bill dealing with the extension of the excise taxes on automobiles and telephones has been stopped at the desk by Senator HARRIS, of Oklahoma, which precluded committee consideration. I would have placed it as the No. 1 "must legislation" and as an individual Senator will still be insisting that some action be taken on it prior to adjournment. To my regret, however, it has thus far not been included in the administration's list of priorities.

I would ask for the information of the Senate, not for presentation at this time, that the clerk read the proposed agreement, following which, at the first opportunity, I shall suggest the absence of a quorum and then present this request to the Senate for its consideration.

The PRESIDING OFFICER. Is there objection to the clerk's reading to the Senate the proposal? The Chair hears none, and the clerk will read.

The assistant legislative clerk read as follows:

PROPOSED UNANIMOUS CONSENT

1. H.R. 19911, Foreign Assistance Act:

(a) On all amendments—time to be limited to 1 hour to be equally divided between and controlled by the sponsors of amendment and the Chairman. If the Chairman favors the amendment then the time is to be controlled by the Majority Leader or whomever he designates.

(b) Time on final passage of H.R. 19911 to be limited to 4 hours, equally divided between the Chairman and the opponents as designated by the Majority Leader.

2. H.R. 17550, Social Security Bill, Trade Bill, etc.:

(a) Time on Title 3 of the committee bill designated as trade amendments limited to 6 hours, equally divided and controlled by the Chairman of the committee for the proponents and by the opponents as designated by the Majority Leader.

(b) On the Ribicoff-Bennett amendment #1097, proposing a guaranteed annual income, time to be limited to 6 hours, equally divided between and controlled by sponsors of the amendment and the ranking minority member of the committee.

(c) Time on all other amendments to be limited to 2 hours, equally divided between sponsors of amendment and the Chairman. If the Chairman favors the amendment the time in opposition to be controlled by the ranking minority member.

(d) Time on final passage of H.R. 17550 to be limited to 6 hours, equally divided between and controlled by the Chairman for the proponents and the ranking minority member of the committee for the opposition.

3. H.R. 18306, to authorize an increase in United States' participation in certain international institutions:

(a) Time on any amendment to this bill limited to 1 hour to be equally divided between and controlled by sponsors of the amendment and the manager of the bill.

(b) Time on final passage of H.R. 18306 to be limited to 4 hours, equally divided between and controlled by the manager of the bill and the Senator of Tennessee, Mr. Gore.

4. On all conference reports now pending or to be submitted between now and the date of adjournment time on each conference report to be limited to 4 hours equally divided beween and controlled by the manager of the conference report and the opposition as designated by the Majority Leader.

Mr. WILLIAMS of Delaware. Mr. President, I shall not submit this request now, because I think that before it is done I should have a live quorum in order that Senators may know what is being presented. If it be in order I ask unanimous consent that the Senator from Alabama be permitted to yield for the purpose of pursuing this matter without losing his right to the floor. If it is not in order I withhold the request until the first opportunity I can get to present it.

I think we have dilly-dallied long enough here on some of these bills, and I think the Senate does have a right to vote. Many of these measures I have mentioned, as the Senate knows, I shall be voting against, but I think the Senate should have the right to work its will in the closing days of this session.

The PRESIDING OFFICER. The Senator's time has expired. The floor now reverts to the Senator from Alabama.

Mr. ALLEN. Mr. President, I appreciate the effort of the distinguished Senator from Delaware to obtain a vote on the important measures that need to be acted upon prior to the adjournment of Congress, which I believe is going to take place by operation of law rather than by a motion from the floor. But unless the distinguished Senator from Delaware has discussed this matter with some of those Senators who are threatening lengthy filibusters with respect to these measures, it would seem to be somewhat of a waste of time to have a live quorum call before making such a request. Has he discussed this matter with any of the potential filibustering Senators, with respect to their views on the request?

Mr. WILLIAMS of Delaware. Mr. President, if I may reply without the Senator losing his right to the floor, I would say that I have not for the simple reason that there are so many filbusters running that unless we can put white hats on one group and dark hats on the other I do not know who is threatening to filibuster and who is not. I thought the best way to bring it out was to have a live quorum, get them all in here, and find out whether there are filibusters and who is in charge of each filibuster. I wonder if the filibusterers are not filibustering the filibusters; I have never seen such a confused state of affairs as now exists. Perhaps it is simply wishing against hope, but I thought we might find out who stands where at this time, and if we can get the filibusterers all to wear black hats, perhaps we can identify them.

Mr. CURTIS. Mr. President, will the distinguished Senator from Alabama yield to me 1 minute?

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Nebraska for

3 minutes without losing my right to the floor, and without my returning to the discussion of the pending measure being considered a second speech.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Nebraska is recognized for 3 minutes only. The Senate will be in order.

Mr. CURTIS. I thank the distinguished Senator from Alabama.

I rise to urge the acceptance of the proposal offered by the distinguished Senator from Delaware (Mr. WILLIAMS). It would make it possible for the Senate to proceed with the public business. It would make it possible to dispose of the Foreign Assistance Act and the act to increase United States participation in certain international institutions.

Furthermore, it would make it possible for the Senate to work its will on the social security bill. The members of the Committee on Finance have worked for a month on this measure, consisting of 546 pages. Under the proposal suggested by the Senator from Delaware, the Senate could dispose of this measure, including the amendment for the family assistance plan.

The public business ought to go on. The distinguished Senator from Delaware has rendered a great service to the Senate in submitting a formula that would make it possible for the business to be transacted. And, Mr. President, the RECORD should be made clear that the Senate Finance Committee——

The PRESIDING OFFICER. The Senate will suspend for a moment until order is restored. The Senate will be in order.

The Senator may proceed.

Mr. CURTIS. Mr. President, I merely wanted to point out, in closing, that the members of the Committee on Finance are not engaged in any delaying tactics or any filibusters. We are here, and we are anxious to have our bill considered, including all of the amendments, and disposed of in an orderly fashion before the holidays. I hope we may have the cooperation of the entire Senate.

I thank the distinguished Senator from Alabama for yielding.

The PRESIDING OFFICER. The Senator from Alabama may proceed.

Mr. ALLEN. I thank the Senator from Nebraska. I might state that the junior Senator from Alabama would certainly agree to the request made by the distinguished Senator from Delaware with respect to getting a vote on these measures pending before the Senate.

At this time, Mr. President, in order that we may for the first time in some 2 days hear from some additional Senators who have not been able to get the floor, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina (Mr. ERVIN) without losing my right to the floor, and without my return to a discussion of the pending issue being considered an additional speech.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. FULBRIGHT. Mr. President, reserving the right to object, for how long is the Senator yielding?

Mr. ALLEN. The Senator asked that I not limit that time. I would imagine it would not run over 30 minutes.

Mr. FULBRIGHT. I have no objection.

The PRESIDING OFFICER. Is that 30 minutes a part of the Senators' request?

Mr. ALLEN. I incorporate that in the request.

The PRESIDING OFFICER. Very well. Is there objection? The Chair hears none; it is so ordered that the Senator from North Carolina be allowed 30 minutes at this time, without the Senator from Alabama losing his right to the floor.

ARMY SURVEILLANCE OF CIVILIANS

Mr. ERVIN. Mr. President, over the course of the past few years, the Constitutional Rights Subcommittee has been engaged in a study of computers, data banks, and the impact that Government data gathering has on the Bill of Rights and our legacy of individual liberty and privacy.

These investigations have developed one new revelation after another, some with explosive public impact, and others, equally serious but perhaps of lesser notoriety. Put together, the subcommittee's studies have developed an awesome and threatening picture of increased Government data on thousands of American citizens—a picture which may some day soon amount to what some have called a "dossier society." In this "dossier society," Government would know all about the individual citizen, his habits, his livelihood, his thoughts, his aspirations, his hopes, and his fears. Such a society will not be free.

One of the more ominous revelations of recent months has been the disclosure that the military, primarily the Army, had instituted an organized system of political surveillance of the activities of Americans here in the United States. The story was first revealed by Mr. Christopher Pyle earlier this year. His discoveries were shocking in the extreme. They raised the specter in many minds of unrestrained armed forces interfering with the domestic political life of our country. Such a role has always been anathema to our constitutional system. It is made little less palatable by the suggestion that the civilian leaders of the military were unaware of this activity, or unable to control it if they were aware.

Over the course of time since the Pyle story, there have been many revelations of what this military activity was all about. It has been alleged, for example, that the military was at the conventions in 1968 both in Miami and Chicago. What they did, why they were there, by what authority and by whose order—these are questions as yet unanswered. There have been other allegations of military involvement in domestic affairs which, if true, are no less disturbing.

Now, I regret to inform the Senate that I have received new information which, if true, gives yet more details of the military intelligence activities that have been directed at the American people. I certainly hope that the information I have received is not true, for it suggests that many of the worst fears about the extent of the military surveillance on Americans are borne out.

It also suggests that the motivations behind this surveillance were directly counter to the principle that the Army is controlled by civilian constitutional authority—that it does not have a direct mandate to act independent of the appointed and elected civilian leaders of the country.

As I say, I hope that the information I have received is not true, but I confess that it very well may be true. And it is certainly substantial enough to demand a full explanation from the Army and from the responsible civilian leadership.

I have received information from a former Army intelligence agent that during the course of its surveillance of domestic political activities, the Army was not merely concerned with actions of fringe groups which have demonstrated a predilection for violence or illegal conduct. Nor were they concerned solely with nonestablishment political activities which they thought might develop into or be alined with violent actions. It now appears that the intelligence net was far wider than even this. It appears that Army intelligence, at least since 1968, but probably earlier as well, and up to June of this year at least, was actively covering the activities of individuals and groups against whom no charge of political extremism can possibly be made.

The individuals who were "targeted" for surveillance—spying, in common parlance—include a Member of this body, the junior Senator from Illinois, Mr. STEVENSON; the former Governor of Illinois, now Judge Otto Kerner; a Member of the other body, Congressman ABNER MIKVA; State and local officials; plus well-known political contributors of both parties, newspaper reporters, religious figures, lawyers, and local and national political figures. These are only a few of the reportedly 800 individuals who were targets of the military intelligence system in only one State, Illinois. The activities were conducted by the 113th Military Intelligence Group which has jurisdiction in what is called region I—the midwest section of the country.

As reported to me, the reason for this surveillance was that the Army could determine the political proclivities of the individuals involved, and forecast their reactions to certain situations. The information was used to predict political behavior, voting patterns, political alliances, and political activities of men who are part of the normal, regular, constitutional, "established" political system of our country. The Army investigated these men during their campaigns for office and while they were in office. It was enough that they opposed or did not actively support the Government's policy in Vietnam, or that they disagreed with domestic policies of the administration, or that they were in contact with or sympathetic to people with such views. Apparently, anyone who in the Army's definition was "left of center" was a pro-

spective candidate for political surveillance.

I believe it is necessary that the Army now disclose to the American people the full details of what they were doing and what they continue to do. It is not enough for them to say that they made a mistake, were bad boys, and will not do it again. They must disclose in full what happened and why it happened and what has been done to insure that it will never happen again. Only by making a full disclosure will the American people be assured that the military will not at some time in the future assume again for itself the role of "defender of the Constitution." That is a military role played all too often in other countries where the democratic traditions are weak and the principle that the military stays out of domestic politics is nonexistent. It is intolerable in the United States.

I hope, Mr. President, that by the time the Constitutional Rights Subcommittee conducts its hearings next February on computers, data banks, and the Bill of Rights, the Army will have finally disclosed all that it has done, and that it can assure us that it is no longer happening at any level, whether it be Fort Holabird, the Pentagon, or at some local commander's unrestrained discretion. I hope that the Army will answer to the subcommittee: First, whether local, State, or National political figures, appointed or elected, were indeed ever targets of military surveillance; second, who they were by name; third, why they were investigated; fourth, what kinds of information were gathered, for what purpose, and to what use it was put; fifth, what has become of the information since it was gathered; and sixth, who is the subject of military surveillance now.

Thus far, the explanations I have received from the Army do not disclose the extent to which this activity was conducted, nor the fact that it apparently included American citizens of such standing. I will discuss the recent correspondence I have had with the Army in the next few days. I expect by then to have heard whether or not the activities I have described today did in fact go on. If so, the Army may wish to supplement its recent communications and explain the inconsistencies between these allegations and the statements they have made so far.

Mr. President, the whole sorry story of this military information gathering and intelligence surveillance, serious as it is, should not be allowed to distract our concern from other, more subtle dangers to individual liberty and privacy that arise from less notorious data gathering by the Government. While much public attention is centered on these dramatic examples, there is still the steady increase in what may be characterized as "benign" information gathering and computerization. The end result of a "dossier society" is no less inimical to individual liberty if it comes from uncontrolled and unrestrained computerization of our citizens for benevolent ends such as traffic safety, welfare, improved criminal justice, and other socially beneficial programs. We may rely on an outraged citizenry to end unauthorized military activities, but the more difficult job is to put the new technology of computers under human, legal controls so we do not lose our freedom in the name of greater efficiency. I see an ever-increasing need for a set of legislative principles governing official data banks and the creation of an agency designed to control governmental information programs in the light of the overriding principle of privacy and individual freedom.

Mr. President, no Member of this body has greater admiration for the Army than does the senior Senator from North Carolina. No Member of this body has supported to a higher degree the efforts of the Army to keep itself ready to defend this Nation against any threat from abroad. But the Senator from North Carolina is constrained to say that spying upon the civilian population is not a proper function of the Army of the United States. It cannot be condoned. It cannot be tolerated.

I wish to read to the Senate, with the signature deleted, a letter I have received on this subject. The letter is dated December 7, 1970, and it is addressed to SAM J. ERVIN, U.S. Senator, and reads as follows:

DECEMBER 7, 1970.

SAM J. ERVIN,
U.S. Senator.

DEAR SIR: Last evening, I had dinner with an associate who is presently on active duty with the United States Army. During dinner, my associate, who is a military intelligence officer, asked me if I had ever considered re-entering the Army and making federal service in the Army my career. Since June, 1970, when my military service terminated, I have often contemplated that very question. However, last evening was the first time I found that I had to answer. My answer was as follows: If the present structure of certain elements of the Army, particularly the Military Intelligence Corps, were to be torn down and re-structed, with an emphasis placed upon the supporting of the military community as a whole, as opposed to the present emphasis of those certain elements, I would consider re-entering the Army as an intelligence officer.

For almost five years, August 1965 until June 1970, I was on active duty with the United States Army. From July 1966 until June 1970, I was a military intelligence agent. During that period of time, I took part in and observed a radical change of priorities on the part of the activities of military intelligence.

From 1966 until early 1968, my duties involving the collection of information of an intelligence nature pertaining primarily to targets of a military nature. However, in early 1968, a portion of my duties involved the collection of intelligence information pertaining to individuals and organizations not related to the activities of the military. Until finally in June 1969, my entire effort as a military intelligence agent was directed against individuals and organizations not associated with any military activities. The justfication of collecting information of an intelligence nature concerning non-military individuals and organizations was as follows: Certain elements of our society have resorted to illegal methods in order to attain political recognition and eventually their own political goals. These elements have resorted, in many instances, to the use of violence and the infiltration of non-political elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well-being of the citizens of the United States. Therefore, all attempts were made to monitor the activities of such elements. Military intelligence was provided with a "blank check" and was allowed to investigate, penetrate, and disrupt such elements with little or no control, other than that exercised at the local military level.

Beginning in June 1969, approximately 50% of all collection activities targeted against civilian targets were initiated at the local military level. The remaining 50% of such activities were levied upon the local military intelligence commands from the command center at Fort Holabird, Maryland. At one point in October 1969, our collection team in the Chicago area, was collecting information on every individual and organization in the state of Illinois who espoused discontent with the military involvement in Southeast Asia or who openly opposed the Nixon administration's controversial domestic policies, to include elected public officials at the local and federal levels of government. The information was obtained using various means, to include the use of undercover agents, the attendance by military intelligence agents at all public gatherings considered to be of a radical nature, and the direct penetration of organizations opposed to the U.S. Military involvement in Southeast Asia. Once information considered of an intelligence nature was collected, that information was placed in classified military files, with a copy of the information being sent to various other federal agencies and to the command center at Fort Holabird.

In January 1970, I began to openly question the collection of inteligence information by the Army, when that information pertained to non-military organizations and individuals. My superiors justified the collection of such information to me by stating that it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals. My Group operations officer once informed me that civilian agencies such as the FBI and Secret Service did not have the availability of personnel as did the Army; and therefore the Army was better staffed to conduct large scale collection operations targeted against the civilian population. In response to my question of what value the information concerning civilians would have to the mission of the Army, my team chief stated, "What does it matter, the information all ends up at the same place."

Senator, I find that I am living in an atmosphere of mistrust. From my experience with the intelligence corps and other governmental investigative agencies I believe that if I were to make a public appearance and espouse my views concerning the US Military involvement in Southeast Asia, or the need for change on the part of the government's stand on campus unrest, my name would find its way to the classified files in some military intelligence office in the United States, and, that the word "radical" would be opposite my name in that file.

It is my understanding that you are presently involved in an investigation of the activities of military intelligence within the confines of the United States. If I may be of any service to your investigation, please feel free to call upon me.

With regard,

(Signature deleted).

EVANSTON, ILL.

Mr. President, I wish to thank the distinguished Senator from Alabama for giving me the opportunity to present this statement to the Senate at this time.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

Mr. President, it is the purpose of the junior Senator from Alabama, in holding the floor at this time prior to making a motion, to expedite some of the Senate's business that has been held up up to this time through the extended discussion on the pending amendment. So, at this time,

I should like to ask unanimous consent that I might yield to the distinguished Senator from New Jersey (Mr. WILLIAMS) for the purpose of calling up a conference report, that I not lose my right to the floor and that my return to a discussion of the pending amendment not be considered as a second speech.

The PRESIDING OFFICER (Mr. STENNIS). That contemplates disposition of the conference report?

Mr. ALLEN. I shall return to the floor after disposition of the conference report.

The PRESIDING OFFICER. The Senator from Alabama has made a unanimous-consent request——

Mr. MANSFIELD. Mr. President——

Mr. PROXMIRE. Mr. President, would the Chair repeat the unanimous-consent request?

The PRESIDING OFFICER. Let us have quiet in the Chamber, please.

Mr. MANSFIELD. Mr. President, I would not object. I would reserve the right to object, to state only that the distinguished Senator from New Jersey (Mr. WILLIAMS)——

Mr. ALLEN. Mr. President, I would like to add to my request that I shall yield for disposition of the conference report for a time not to exceed 10 minutes.

The PRESIDING OFFICER (Mr. STENNIS). The Senator from Alabama has the floor. He asks unanimous consent that he may yield to the Senator from New Jersey for the purpose of submitting a conference report for a period of not to exceed 10 minutes, and that on the resumption of the speech of the Senator from Alabama it will not be counted as an additional speech. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator from Alabama will yield to me for one-half minute after the conference report is disposed within the allotted time of 10 minutes, without losing his right to the floor, I would assume he intends to so yield without losing his right to the floor to the distinguished senior Senator from Delaware.

Mr. ALLEN. Yes, but I will make that as an additional unanimous-consent request.

Mr. MANSFIELD. That is right.

Mr. ALLEN. Mr. President, I do ask unanimous consent also that I might yield to the distinguished Senator from Montana for not to exceed 5 minutes, without losing my right to the floor and without resumption of my remarks as being considered a second speech.

The PRESIDING OFFICER. Is there objection to the second unanimous-consent request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The Senator from New Jersey is recognized for 10 minutes.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970—CONFERENCE REPORT

Mr. WILLIAMS of New Jersey. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. STENNIS). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT (H. REPT. 91–1765)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and beautiful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce; and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Commission" means the Occupational Safety and Health Review Commission established under this Act.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(6) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-

producing organization under procedures whereby it can be determined by the Secretary that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

(10) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

(11) The term "Committee" means the National Advisory Committee on Occupational Safety and Health established under this Act.

(12) The term "Director" means the Director of the National Institute for Occupational Safety and Health.

(13) The term "Institute" means the National Institute for Occupational Safety and Health established under this Act.

(14) The term "Workmen's Compensation Commission" means the National Commission on State Workmen's Compensation Laws established under this Act.

APPLICABILITY OF THIS ACT

SEC. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no United States district courts having jurisdiction.

(b)(1) Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(2) The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91-54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85-742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act, as well as under such other Acts.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

DUTIES

SEC. 5. (a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(6)(A) Any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of clause (B) and establishes that (i) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (ii) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (iii) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this paragraph shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing: *Provided*, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice (I) so long as the requirements of this paragraph are met and (II) if an application for

renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

(B) An application for a temporary order under this paragraph (6) shall contain:

(i) a specification of the standard or portion thereof from which the employer seeks a variance,

(ii) a representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor,

(iii) a statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard,

(iv) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard, and

(v) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means,

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

(C) The Secretary is authorized to grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an employer to participate in an experiment approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(7) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and apropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

(8) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(c) (1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

(d) Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(e) Whenever the Secretary promulgates any standard, makes any rule, order, or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

(f) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The findings of fact determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

(g) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

ADVISORY COMMITTEES; ADMINISTRATION

SEC. 7. (a) (1) There is hereby established a National Advisory Committee on Occupational Safety and Health, consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(3) The members of the Committee shall be compensated in accordance with the provisions of section 3109 of title 5, United States Code.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(b) An advisory committee may be appointed by the Secretary to assist him in his standard-setting functions under section 6 of this Act. Each such committee shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employees involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member such a committee who is a representative of the health or safety agency of that State, reimburse-

ment sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

(c) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 8. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and 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 said court as a contempt thereof.

(c)(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f)(1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g)(1) The Secretary and Secretary of Health, Education, and Welfare are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

CITATIONS

SEC. 9. (a) If, upon inspection or investigation, the Secretary or his authorized representative believe that an employer has violated a requirement of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

PROCEDURE FOR ENFORCEMENT

SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection, or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 17 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation of proposed assessment of penalty. If within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued

within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

JUDICIAL REVIEW

SEC. 11. (a) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification, or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the employer has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 10, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 17, in addition to invoking any other available remedies.

(c)(1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within 90 days of the receipt of a complaint filed under this subsection the Secretary shall notify the complainant of his determination under paragraph 2 of this subsection.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SEC. 12. (a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

(b) The terms of members of the Commission shall be six years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(57) Chairman, Occupational Safety and Health Review Commission."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Members, Occupational Safety and Health Review Commission."

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

(e) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided,* That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

(g) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceedings shall be in accordance with the Federal Rules of Civil Procedure.

(h) The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and

testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

(j) A hearing examiner appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after such report by the hearing examiner, unless within such period any Commission member has directed that such report shall be reviewed by the Commission.

(k) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code. Each hearing examiner shall receive compensation at a rate not less than that prescribed for GS–16 under section 5332 of title 5, United States Code.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 13. (a) The United States district courts shall have jurisdiction upon petition of the Secretary to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, might bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamus to compel the Secretary to seek such an order and for such further relief as may be appropriate.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard, rule, or order promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any employer who has received a citation for a serious violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall be assessed a civic penalty of up to $1,000 for each such violation.

(c) Any employer who has received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000 for each such violation.

(d) Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer on good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

(e) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(f) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

(g) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(h)(1) Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

(2) Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111, shall be punished by imprisonment for any term of years or for life.

(i) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $1,000 for each violation.

(j) The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(k) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(l) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States Federal district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational, safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit

a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 8, and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) give satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State law will to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, 13, and 17 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17 and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

RESEARCH AND RELATED ACTIVITIES

SEC. 20. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment, including but not limited to the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

(4) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(5) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under paragraph (2), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believe may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for

the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

(6) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(7) Within two years of enactment of this Act, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary shall cooperate with the Secretary of Health, Education, and Welfare in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(e) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of this Act.

TRAINING AND EMPLOYEE EDUCATION

SEC. 21. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 22. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(b) There is hereby established in the Department of Health, Education, and Welfare a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary of Health, Education, and Welfare.

(c) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(d) Upon his own initiative, or upon the request of the Secretary or the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

(e) In addition to any authority vested in the Institute by other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

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

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(f) The Director shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of the operations of the Institute under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as he deems appropriate.

GRANTS TO THE STATES

SEC. 23. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18 to assist them—

(1) in identifying their needs and responsibilities in the area of occupational safety and health,

(2) in developing State plans under section 18, or

(3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(d) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary, pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of subsection (f) shall be ap-

plicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

STATISTICS

SEC. 2. (a) In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act. The Secretary shall compile accurate statistics on work injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(b) To carry out his duties under subsection (a) of this section, the Secretary may—

(1) promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

(2) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

(3) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

AUDITS

SEC. 25. (a) Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

ANNUAL REPORT

SEC. 26. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SEC. 27. (a)(1) The Congress hereby finds and declares that—

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; and

(B) in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(2) The purpose of this section is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

(b) There is hereby established a National Commission on State Workmen's Compensation Laws.

(c)(1) The Workmen's Compensation Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Workmen's Compensation Commission.

(2) Any vacancy in the Workmen's Compensation Commission shall not affect its powers.

(3) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Workmen's Compensation Commission.

(4) Eight members of the Workmen's Compensation Commission shall constitute a quorum.

(d)(1) The Workmen's Compensation Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

(2) The Workmen's Compensation Commission shall transmit to the President and to the Congress not later than July 31, 1972, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(e)(1) The Workmen's Compensation Commission or, on the authorization of the Workmen's Compensation Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Workmen's Compensation Commission deems advisable. Any member authorized by the Workmen's Compensation Commission may administer oaths or affirmations to witnesses appearing before the Workmen's Compensation Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Workmen's Compensation Commission, upon request made by the Chairman or Vice Chairman, such information as the

Workmen's Compensation Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Workmen's Compensation Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermitent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) The Workmen's Compensation Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Members of the Workmen's Compensation Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Workmen's Compensation Commission at the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Workmen's Compensation Commission.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) On the ninetieth day after the date of submission of its final report to the President, the Workmen's Compensation Commission shall cease to exist.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 28. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

SEC. 29. (a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by—

(1) striking out "four" in the first sentence of such section and inserting in lieu thereof "five"; and

(2) adding at the end thereof the following new sentence, "One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.".

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

ADDITIONAL POSITIONS

SEC. 30. Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (8);

(2) striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately after paragraph (9) the following new paragraph:

"(10)(A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS–16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970;

"(B) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS–16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970."

EMERGENCY LOCATOR BEACONS

SEC. 31. Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"EMERGENCY LOCATOR BEACONS

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals."

SEPARABILITY

SEC. 32. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATIONS

SEC. 33. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 34. This Act shall take effect one hundred and twenty days after the date of its enactment.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

HARRISON WILLIAMS,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
ALAN CRANSTON,
JACOB K. JAVITS,
WINSTON PROUTY,
WM. B. SAXBE,
RICHARD S. SCHWEIKER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

CARL D. PERKINS,
EDITH GREEN,
FRANK THOMPSON, Jr.,
JOHN H. DENT,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM H. AYRES,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
EDWIN D. ESHLEMAN,
WILLIAM A. STEIGER,
Managers on the Part of the House.

Mr. WILLIAMS of New Jersey. Mr. President, first, I want to thank the Senator from Alabama for his accommodation so that I may submit this conference report.

Mr. President, the Senate conferees on S. 2193, the Occupational Safety and Health Act of 1970, have met in five sessions with the conferees from the other body, and have reached agreement on a bill. This measure, which is long overdue, would for the first time provide for a comprehensive program to deal with the urgent problems of safety and health encountered in the workplace by our Nation's citizens.

When this bill was before the Senate 1 month ago, we clearly recognized that a strong Federal program was necessary to deal with the more than 14,000 industrial deaths and 2½ million job-related disabilities that occur each year, as well as the ever-increasing exposure of workers to substances whose toxic potential has never been adequately researched. As a consequence, the Senate passed this bill with only three dissenting votes.

In view of the 83 to 3 vote by which the Senate bill was approved, I am pleased to report that the bill agreed on in conference reflects, to a most unusual degree, the wishes of the Senate, as expressed during our action on this measure.

The conference agreement retains the basic features of the Senate bill, placing in the Secretary of Labor the clear responsibility for promulgating effective safety and health standards, applicable to specific hazards and industries. In exercising this responsibility, the Secretary would utilize and build upon the work already done by private industry and Government in the formulation of standards; and opportunity would be given, through advisory committees, and

the hearing procedure, for affected employers and employees to have a voice in the standards-making process.

As in the Senate bill, inspections would be made by the Labor Department, with authority to issue citations requiring the abatement of violations and to propose penalties, where appropriate. The conference agreement also contains the provision for an independent enforcement commission, which was adopted during Senate debate, on motion by Senator JAVITS. This provision was designed to separate the adjudication of violations from the other functions performed by the Secretary of Labor, in order to provide every assurance that fairness and due process would be fully served.

The conference agreement also contains the Senate bill's provisions which encourage State participation in the effort to bring safe and healthful conditions to the workplace, and which provide the workers and their representatives with an opportunity to participate in the standards-making and enforcement processes.

I might point out that the Senate bill contained a number of provisions that had no counterpart whatever in the House-passed bill. These include Senator JAVITS' proposals for a National Institute for Occupational Safety and Health to perform the all-important research functions which will be basic to this program's effectiveness, and a National Commission To Study the Problems of Workmen's Compensation, as well as Senator DOMINICK'S proposal requiring the use of emergency locator beacons on certain small aircraft. All of these provisions remain in the bill agreed upon in conference.

Where the Senate conferees receded to the House, this was also done in accordance with views which had very substantial support in the Senate. I would cite in particular the bill's imminent danger provision. The Senate bill had provided that where an imminent danger was found to exist, the Secretary of Labor could not only go to court to obtain injunctive relief, but could, under certain circumstances, order the withdrawal of employees or closure of the plant for up to 72 hours. An amendment offered on the Senate floor by Senator SAXBE, which would permit all such imminent danger orders to be issued only by a court, failed by merely two votes. Under these circumstances, and in view of the insistence of the House Members on adhering to that portion of their bill which contained a provision similar to the Saxbe amendment, the Senate conferees felt warranted in receding to the House on this issue.

So I believe that in every respect we have been faithful to the wishes of the Senate, and in doing so, have brought back a bill which will be both strong and effective as well as fair and reasonable.

Mr. President, I am gratified that the administration announced its support yesterday of the bill agreed upon by the conference committee. I would also recall President Nixon's earlier remarks on this legislation in which he pointed out that "such a program ought to have been Federal law three generations ago. This was not done, and three generations of American workers have suffered because of this."

Mr. President, the legislation is now before us, and I urge immediate approval of the conference report.

Mr. YARBOROUGH. Mr. President, today we are considering one of the truly great landmark pieces of social legislation in the history of this country. The occupational safety and health bill which has been agreed to by the House and Senate conferees provides the over 80 million American industrial workers with the protection that they so desperately need to insure that they have a safe and healthy place to work. I take special pride in this bill, not only because it was a product of long hours of hard work and investigation by the Senate Labor and Public Welfare Committee, of which I have had the honor to serve as chairman, but also because this is a measure I have worked on for many years. Actually this national industrial safety act is long overdue; for 30 years it has been advocated and urged. At long last this great remedial act is becoming law.

During the 90th Congress, I introduced in the Senate a comprehensive occupational safety and health bill and held extensive hearings on this measure. These hearings brought to the attention of the American people some startling facts about the conditions that exist in many of the industrial plants of this country. For example, in 1967 alone, there were over 7 million injuries in industrial employment, and of these, 2.2 million work-related injuries resulted in either temporary or permanent disabilities. Of these injuries, 6,900 resulted in death. Disregarding for the moment the human element of this pressing problem and looking only at the hard economic facts, industrial accidents and illnesses cost the American economy over $8 billion in 1967. Ten times more working days were lost as a result of industrial injuries than were lost because of strikes and lockouts. These figures stand as evidence to the truth that this law has been delayed much too long.

At the beginning of the 91st Congress, I joined with Senator HARRISON WILLIAMS in introducing again in Congress the occupational safety and health bill. Extensive hearings were held on this measure and the members of the Labor and Public Welfare Committee, both Democrats and Republicans, worked diligently to produce a bill that would protect the men and women of this country from the dangers that are present in the workplaces of America. In conference, the Senate conferees fought hard for those provisions which are so necessary if this bill is to be a truly effective means of curbing industrial injuries. The bill that came out of the conference stands as a tribute to the hard work of the conferees and particularly Senator WILLIAMS, chairman of the Senate Subcommittee on Labor with whom I worked in the conference.

I am extremely proud that I was able to take an active part in fashioning this bill and steering it through conference. If the 91st Congress is remembered for nothing else than this bill, it will surely be recorded as one of the most productive legislative sessions in the history of this country. Contrary to the views expressed by the distinguished minority leader of the Senate, this occupational safety and health bill makes this session of Congress an unmitigated success.

The key features of this bill are:

First, it will authorize the establishment of health and safety standards;

Second, it provides the Secretary of Labor with the authority to enforce these standards; and

Third, it authorizes sanctions to be used against those companies and employers who fail to meet these standards.

This is not a passive measure but rather a strong and workable bill which deserves the support of all people who are concerned with industrial safety. Above all else, this bill stands as proof to the American people that Congress can respond in a constructive way to urgent needs. I am proud to have been a part of the fight for this measure and I urge the Senate to unanimously adopt the conference report.

Mr. PROUTY. Mr. President, I am one of the conferees appointed by the Senate to the joint conference on the occupational health and safety bill. Although I have misgivings over some of the provisions contained in the conference report, I have concluded that its overall effect will be beneficial and I shall vote for its adoption.

The original bills introduced in both bodies provided that the Secretary of Labor would promulgate all health and safety standards and would also be responsible for deciding appeals from employers who contested violations found or penalities assessed by inspectors employed by the Department of Labor.

The conference report, Mr. President, adopts provisions contained in both the House- and Senate-passed bills establishing an independent Commission to review all contested cases involving violations found or penalities assessed by the Secretary of Labor. The Commission's order in turn is subject to judicial review in an appropriate U.S. court of appeals.

The conference report also eliminates the authority granted to the Secretary of Labor by the Senate bill to partially or entirely arbitrarily shut down the operations of an employer on the grounds of imminent danger. Rather, it adopts the House provision requiring that the Secretary obtain an order from a U.S. district court if he concludes that a withdrawal order is warranted.

In addition, the conference report retains Senate language providing that where a withdrawal order is issued it must provide that sufficient numbers of employees may remain in the area in order to shut down the operation in an orderly and efficient manner. This provision is of primary importance to industries which utilize continuous flow operations.

While civil penalities are provided for willful violations, the conference report also eliminates criminal penalties for willful violations except where the vio-

lation results in the death of an employee.

I regret, Mr. President, that the conference report does not provide for some type of board to promulgate health and safety standards. The Steiger substitute amendment adopted in the House by a plurality of 48 votes provided for an independent board composed of experts in the field of occupational health and safety. The Senate rejected this concept by two votes and left this authority completely in the hands of the Secretary of Labor.

In my opinion, because of the substantial support for the board concept expressed by Congress, I believe the conferees would be on much more solid ground if we had agreed on some type of board for the promulgation of standards, even though it might have been a board making recommendations to the Secretary of Labor rather than independently promulgating standards.

I also regret that we did not reach some compromise with respect to the Construction Safety Act of 1969, Public Law 91-54. The House-passed bill contained provisions acceptable to both the building trade unions and the construction industry, continuing the Construction Safety Act with jurisdiction over the entire construction industry. In effect, the conference report now places the construction industry under the present bill while leaving the Secretary of Labor the option of seeking remedies under either this bill or the Construction Safety Act.

It was impossible to consider compromises in either of these two areas during the conference, however, as the House conferees receded on both provisions before counterproposals could be made.

There are also other substantive provisions in the conference report which cause me to have some reservations. There are provisions here that officials in my State of Vermont dislike, and I know that there are also provisions which the administration would have preferred to see resolved in a different manner.

However, we are all, I believe, for health and safety and I strongly support laws to protect the working men and women of our country.

I have studied the proposed legislation which will become law if the conference report is approved very carefully, Mr. President, and I have reached the judgment that despite the defects I see, the overall thrust of this new law will be beneficial to the workers of our Nation and fair to our industries. In reaching this conclusion, I have given substantial weight to the opinion of Secretary of Labor Hodgson who has informed us that he believes the conference report "represents a significant achievement in the field of health and safety for America's working men and women," and that the adoption of the conference's result will result "in meaningful legislation."

Accordingly, I support the conference report and shall vote for its adoption.

The PRESIDING OFFICER (Mr. MONDALE). The question is on agreeing to the conference report.

The report was agreed to.

Mr. EAGLETON. Mr. President, it is likely that the 91st Congress will be long remembered as the Congress in which an enormously heightened increase in concern for environmental problems became manifest. We have dealt with, and are still considering, problems of air and water pollution—problems arising from the disposal of wastes which have heretofore been allowed to defile the earth and its air and waters.

It is appropriate that we deal as well with the environment of the working place, where over 80 million Americans spend their days. The hazards that imperil the safety and health of the worker are many and varied. Some diseases which began to plague workers who first gathered in factories in the industrial revolution are still with us. In recent years, new processes, new techniques, and new sources of energy have greatly expanded the list of hazards that workers face.

The Occupational Safety and Health Act will go a long way toward eliminating these hazards and reducing the extraordinary number of workers who are, daily, disabled or killed on the job.

As one who has worked with this bill from the Labor Subcommittee, through the full Labor and Public Welfare Committee, on the Senate floor and in the conference committee, I have no hesitation in giving my full support to the final product expressed in this conference report. I think it is fair to say that this bill accomplishes the purpose that we set for ourselves—to greatly improve the health and safety of the workplace without placing unnecessary burdens on employers.

The costs that will be incurred by employers in meeting the standards of health and safety to be established under this bill are, in my view, reasonable and necessary costs of doing business. Whether we, as individuals, are motivated by simple humanity or by simple economics, we can no longer permit profits to be dependent upon an unsafe or unhealthy worksite.

I want to pay special tribute to the distinguished junior Senator from New Jersey (Mr. WILLIAMS) whose dedication, intelligence, and energy made him the single person most responsible for this legislative accomplishment. In so doing, however, I would not want to overlook the work of the able senior Senator from New York (Mr. JAVITS) who also devoted himself untiringly to the enactment of this bill.

Finally, I should point out that our work will be no more than an empty gesture unless this legislation is adequately funded and enforced. Thus, I am extremely pleased that the Secretary of Labor, who will be chiefly responsible for implementation of the bill, has put behind him such differences as he may have had with some of its provisions and announced his endorsement of it. I hope this presages a vigorous enforcement effort by every member of this administration charged with responsibilities for occupational safety and health by the bill.

Mr. JAVITS subsequently said: Mr. President, I am the ranking minority member of the Committee on Labor and Public Welfare and with the Senator from New Jersey (Mr. WILLIAMS) negotiated the occupational health and safety plan which the Senate has approved. I wish to express my gratification and thanks to the Senate. I am also gratified by the Secretary of Labor's support for the conference report, and that I have had a part in shaping the provisions of this legislation.

In my opinion, with this bill we shall begin finally to achieve a reduction in the industrial carnage which now claims the lives of over 14,000 workers and injures over 2 million other workers each year. It would have been a tragedy of the first order if the differences between labor and management which arose over the provisions of this bill had operated to prevent its enactment. Happily, the conference committee was able to come to an agreement, and the bill as it is now before the Senate is in my judgment fair to both management and labor.

From a personal standpoint, I am particularly pleased that the bill reported by the conference retained three amendments which I sponsored. First, the bill provides for an independent three-man commission to adjudicate enforcement cases. Second, the bill establishes a new National Institute for Occupational Safety and Health in HEW to conduct the enormous amount of research which will have to be done under this law. Third, the bill provides for a 15-member commission to study existing State workmen's compensation laws, many of which are woefully inadequate, and report back to the Congress with recommendations by July 31, 1972.

Mr. President, I have served for many years on the Senate Labor and Public Welfare Committee and since 1964 have been the ranking minority member of the committee and its Subcommittee on Labor. During that period the committee has dealt with legislation of great benefit to American workers. The bill before us today, however, will, in my judgment, mark the greatest single contribution to the health and welfare of American workers that has yet been made by Congress. Also, the Senator from New Jersey (Mr. WILLIAMS) has properly earned the gratitude of all Americans for his unflagging dedication and leadership with respect to this legislation, and I am very pleased to have been associated with him in that effort.

Finally, Mr. President, I ask unanimous consent that an editorial from today's New York Times in support of the conference report be printed in the RECORD.

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

SAFETY ON THE JOB

On the official record alone, the toll of industrial deaths and disabling accidents is staggering. But Government statistics, however comprehensive, do not begin to measure the full cost in shortened lives and debilitating illness of the health hazards that workers encounter every day in factories, mills and other places of work.

Senate-House conferees have now reached agreement on a strong occupational health and safety bill, based primarily on the excellent measure originally passed by the Senate rather than on the much more ineffectual House bill. The result will be a system of industrial health protection which, when

approved by President Nixon, will strongly reinforce the country's social defenses.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 5 minutes.

EXTENSION OF DATES FOR TRANSMISSION TO THE CONGRESS OF THE PRESIDENT'S ECONOMIC REPORT AND THE REPORT OF THE JOINT ECONOMIC COMMITTEE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1417.

The PRESIDING OFFICER (Mr. MONDALE) laid before the Senate House Joint Resolution 1417, extending the dates for transmission to the Congress of the President's Economic Report and the report of the Joint Economic Committee, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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

The joint resolution (H.J. Res. 1417) was ordered to a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 1, 1971, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1971.

DATE OF ASSEMBLY OF THE 92d CONGRESS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1416.

The PRESIDING OFFICER (Mr. MONDALE) laid before the Senate House Joint Resolution 1416, fixing the time of assembly of the 92d Congress, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1416) was ordered to a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Ninety-second Congress shall assemble at noon on January 21, 1971.

CHANGE OF CONFEREE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Idaho (Mr. JORDAN) replace the Senator from Colorado (Mr. ALLOTT) as a conferee on House Joint Resolution 1117, to establish a Committee on Environment.

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

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Missouri (Mr. SYMINGTON) be recognized for a period not to exceed 15 minutes after the remarks of the distinguished senior Senator from Ohio (Mr. YOUNG) on tomorrow.

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

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. ALLEN. Mr. President, the junior Senator from Alabama would like to see action on the bill pending before the Senate at this time. He would like to see action on the social security bill with the trade bill attached and with other amendments that may be offered to that bill. He would like to see final action on the Department of Transportation appropriations bill.

It seemed while we were debating the Gravel amendment that there might never be an opportunity to seek to get unanimous consent for action on all of this bill.

The distinguished senior Senator from Delaware (Mr. WILLIAMS) has prepared a unanimous-consent request for a time limitation on these major bills pending before the Senate on which action should be taken by the Senate before it adjourns. He wishes to call for a live quorum under rule XII and on the completion of that quorum call, to make his unanimous-consent request.

So in order to enable the distinguished Senator from Delaware (Mr. WILLIAMS) to make his unanimous-consent request before the entire Senate, I ask unanimous consent that the junior Senator from Alabama be allowed to yield for not more than 1 hour to the distinguished Senator from Delaware, in order that he might make a request for a live quorum, and in order that on the completion of this quorum call he might make a unanimous-consent request with respect to votes on the important bills pending before the Senate, without the Senator from Alabama losing his right to the floor and without his resumption of his remarks, following the expiration of that period of not more than 1 hour, being considered a second speech on the amendment under discussion.

Mr. GORE. Mr. President, reserving the right to object, the pending request might become parliamentarily impossible in the course of an hour's limitation if a quorum is not ascertained. Therefore, until the distinguished junior Senator from Alabama puts his request in parliamentary form, I must object.

Mr. WILLIAMS of Delaware. Mr. President, whatever may result I am hopeful that as we approach the Christmas holidays there will be a little bit of the spirit of Christmas among us. Most Senators wish to go home, so with a little harmony prevailing I would hope that we might get the time limitation in order that we may act on these measures.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield to me, without losing his right to the floor, and with all other qualifications which the Senator has mentioned from time to time? If so, I will suggest the absence of a quorum, and it will be a live quorum.

Mr. ALLEN. Mr. President, without losing my right to the floor, and without my resumption of my speech being considered a second speech? Is that the understanding?

Mr. MANSFIELD. That is correct.

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

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I hope that when a quorum is achieved, the Senator from Alabama will renew his request to allow the Senator from Delaware to make his motion.

The PRESIDING OFFICER. The clerk will call the roll.

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

[No. 433 Leg.]

Allen	Gurney	Prouty
Anderson	Hansen	Proxmire
Baker	Holland	Ribicoff
Burdick	Jordan, N.C.	Sparkman
Byrd, Va.	Magnuson	Spong
Byrd, W. Va.	Mansfield	Stennis
Church	McClellan	Symington
Dole	McIntyre	Talmadge
Ervin	Mondale	Williams, Del.
Fulbright	Montoya	Young, N. Dak.
Gore	Nelson	Young, Ohio
Gravel	Packwood	

Mr. KENNEDY. I announce that the Senator from Georgia (Mr. RUSSELL) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

Thereafter, the following Senators entered the Chamber and answered to their names:

Aiken	Goldwater	Miller
Allott	Goodell	Moss
Bayh	Griffin	Murphy
Bellmon	Harris	Muskie
Bennett	Hart	Pastore
Bible	Hartke	Pearson
Boggs	Hollings	Pell
Brooke	Hruska	Percy
Cannon	Hughes	Randolph
Case	Inouye	Saxbe
Cook	Jackson	Schweiker
Cooper	Javits	Scott
Cotton	Jordan, Idaho	Smith
Cranston	Kennedy	Stevens
Curtis	Long	Stevenson
Eagleton	Mathias	Thurmond
Eastland	McCarthy	Tower
Ellender	McGee	Tydings
Fannin	McGovern	Williams, N.J.
Fong	Metcalf	Yarborough

The PRESIDING OFFICER. A quorum is present.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield not to exceed 2 minutes, without losing my right to the floor and without my resumption of remarks being considered a second speech, to the Senator from West Virginia.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination unanimously reported by the Committee on the Judiciary earlier today.

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

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Dennis R. Knapp, of West Virginia, to be a U.S. district judge for the southern district of West Virginia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

The Chair recognizes the Senator from Alabama.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. ALLEN. Mr. President, when I gained the floor, I planned, at the conclusion of my remarks, to move to lay on the table the pending amendment, realizing that they would end debate.

I greatly admire the distinguished Senator from Alaska and the distinguished Senator from Arkansas, and feel that I could well take some lessons from them in the conduct of a filibuster.

I have been greatly interested in noting that some of the Senators who are scheduled to discuss at some great length—not these two distinguished Senators—some of the other measures pending before the Senate have been leaders in the effort to amend rule XXII. So those who would curtail the use of the filibuster are the very ones who threaten to use it during the remainder of this session.

The distinguished Senators from Alaska and Arkansas have focused the spotlight on this appropriation. They have served their cause well. They have alerted the country to the fact that this appropriation is being made. They have voiced their views with respect to it; and earlier today, I assured both the distinguished Senator from Alaska and the distinguished Senator from Arkansas that if a cloture motion should be filed to cut off their debate with respect to the pending amendment and the pending bill, I would vote against the application of cloture.

They have followed the rules in discussing this amendment, and the junior Senator from Alabama, in obtaining the floor, only followed the rules as well.

Understandably, the distinguished Senators from Alaska and Arkansas would prefer a direct vote on their amendment, and it is my understanding that they are willing to set a time for voting on both the amendment and on the passage of the bill.

So with that thought in mind, Mr. President, I ask unanimous consent that I may yield for not to exceed 5 minutes to the distinguished Senator from Alaska (Mr. GRAVEL) in order that he might propound the unanimous-consent request, with the understanding that I do not lose my right to the floor, and that my resumption of remarks after that request has been made will not be considered a second speech on the same subject during the same day.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAVEL. Mr. President, I would only like to state that this Senator and the Senator from Arkansas should be getting lessons on parliamentary procedure from the distinguished Senator from Alabama. The proof of the pudding, obviously, is the unanimous-consent request I am about to make, which is as follows:

I ask unanimous consent that the Senate vote on my amendment at 2:30 p.m. today, and that it vote on passage of the bill at 3 p.m. today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. ALLEN. Now, Mr. President, if we may have order——

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Since agreement has been made on the time for the final vote——

The PRESIDING OFFICER. Without objection, rule XII will be waived for the purposes of the unanimous-consent agreement.

Mr. ALLEN. Well, rule XII had already been complied with, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. ALLEN. Now that agreement has been made on a vote on the pending amendment and the pending bill, it is the hope of many Senators that agreement can be made to vote on the other major bills pending before the Senate. With that thought in mind, I am going to yield the floor——

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ALLEN. Yes, without losing my right to the floor.

Mr. FULBRIGHT. I ask unanimous consent that I may be allowed to have printed in the RECORD certain material relevant to the pending amendment.

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

[From the Washington Post, June 28, 1970]

A GRIM NOTEBOOK ON OUR ASIAN TRAGEDY

(By Stanley Karnow)

HONG KONG.—No exercise is more fascinating, illuminating and depressing for a reporter leaving Asia after a decade than to weed out his voluminous files on Vietnam. For the stacks of frayed notebooks, faded newspaper clippings and unpublished memorabilia provide a personal retrospective of an American tragedy in the making.

And the dominant sensation that emerges from this review of the past is disbelief—disbelief that the United States, purportedly a nation of hardheaded pragmatists, could have stumbled so blindly into a disaster that is now shaking the nation's stability and threatening to undermine its unity for a generation to come.

Equally striking, in retrospect, is how little has changed over the years. The war has grown to monstrous proportions, of course. But it is still, as it has been from the start, an assortment of wars being fought in different ways and for different motives in Washington, Saigon, Hanoi and on the battlefield. Thus nothing can be plausibly measured.

The search for the elusive truth about Vietnam will surely preoccupy historians and social scientists far into the future. Within the scope of my own narrow experience, however, I would suggest that our Vietnam commitment evolved gradually, perhaps inexorably, out of a frustrating conflict between our ideals and our capabilities.

On the one hand, it seems to me, an old-fashioned brand of idealism inspired the conviction among able, intelligent American policymakers that the United States could play a decisive role anywhere in the world. What we discovered, though, was that we could exert only minimal influence in a strange, faraway, alien society such as Vietnam.

Therefore, our enormous power was only marginally effective. We could inundate the South Vietnamese countryside with napalm and try to bomb North Vietnam back to the Stone Age. But we could not compel, or even persuade, our Saigon clients, much less the enemy, to accept an "honorable settle-

ment"—if indeed, we actually knew what kind of settlement we wanted.

So our strategists and tacticians improvised and experimented and contrived dreamy new schemes, each in its turn proclaimed by official publicists to be the winning formula. Just as Lyndon Johnson praised Ngo Dinh Diem and Richard Nixon extolled Nguyen Van Thieu, we also sought to portray a succession of Saigon leaders as potential George Washingtons. I had nearly forgotten Nguyen Khanh until a sweat-stained notebook reminded me of Robert McNamara embracing him as the savior of Vietnam as they toured the Delta together in early 1964.

BELATED AWAKENING

Meanwhile, we sank deeper and deeper into the quagmire, with hardly anyone in or out of government perceptive or courageous enough to challenge the basic concept of our Vietnam commitment until we were so involved that the question of whether to quit or remain in that benighted land divided our own nation.

In part, I think, nobody quite saw where we were heading as our Vietnam engagement was taking shape eight or nine years ago. Reaching back to 1961, I recall Robert Kennedy's reaction to attempts by American correspondents in Hong Kong to discuss Vietnam. His attention waned after a couple of minutes and he cut us short with the remark: "We've got 20 Vietnams a day to handle at the White House."

For a long time, too many U.S. politicians preferred to skirt an issue that had not yet hit them directly. As late as 1966, a West Coast congressman explained to me: "Only a dozen boys from my constituency have been killed in Vietnam so far. When the number gets up to a hundred, I'll have to think about what to say."

Significantly, the earliest critics of our Vietnam policy, like John Paul Vann and David Halberstam, did not favor withdrawal but merely advocated different methods in opposition to the conventional Establishment approach. Several of today's prominent doves were also among the principal architects of our Vietnam commitment.

Back in 1962, for example, I recollect listening to Roger Hilsman, then a senior activist on the Kennedy team, enthusiastically depicting "strange hamlets" as a dynamic program that would revolutionize Vietnamese peasants and in the process both weaken the Vietcong and force the Diem oligarchy to reform. In short, as Hilsman told it, we were going to wage an American version of "people's war" that would beat the Communists at their own game.

The name of the game was "counterinsurgency," and it captured the imagination of the Kennedy administration. Suspicious of the Pentagon, which was still clinging to the "massive retaliation" doctrine of the Eisenhower era, the Kennedyites believed that they could spawn a neew breed of American soldier capable of coping with "brushfire wars." Hence the fanfare that heralded the "Green Berets," those romantic figures destined to use Communist tactics against the Communists in jungle conflicts from Laos to Venezuela. I remember one American general in Saigon switching to the fad: "Why, our forefathers were guerrillas against the British long before communism even existed."

A FADED ERA

Through the notion of Americans serving as revolutionaries in a foreign country is now discredited, the nonconformists were an attractive antidote to the Blimpish brass hats and bureaucrats who staffed our Saigon mission in the late 1950s, when I started reporting on Vietnam.

Saigon in those days was a pleasant, leafy city reminiscent of a provincial capital in southern France. Its easy-going ambience was matched by the complacent ignorance of our military and civilian officials, who seemed to believe their own propaganda that Diem had effectively consolidated his authority and was putting South Vietnam in the path to New England town hall democracy.

I recall one U.S. official showing me the crowd eagerly watching the results of the 1960 American presidential elections being tabulated in the display window of the U.S. Information Service library. This, he exclaimed happily, was heartening proof of real interest in democratic procedures.

A local acquaintance later informed me that the crowd was mostly composed of Saigon Chinese who could not tell Kennedy from Nixon or Maine from California and cared even less. Inveterate gamblers, they were simply betting on which numbers would come up next on the scoreboard.

The American ambassador at the time was Elbridge Durbrow, an able diplomat whose warnings about the increasing popularity of the Saigon regime were borne out in November, 1960, when South Vietnamese paratroopers staged an abortive coup against Diem. But Durbrow was overshadowed by the chief of the U.S. Military Advisory Group, Lt. Gen. Sam Williams, a leathery type known as "Hanging Sam" because he had presided over the execution of Nazi war criminals as commandant of the Nuremberg jail.

Personifying the adage that generals approach every new war with the strategies of the last one, Williams anticipated a Korean-style Communist invasion of Vietnam and helped Diem to build a roadbound army that the Saigon leader primarily wanted for protection against internal uprisings. Like his predecessors and several of his successors, Williams also operated independently from the ambassador, thereby giving Diem the opportunity to play off the Pentagon against the State Department.

DIEM POLICY HARDENS

The 1960 coup attempt, in which Diem outmaneuvered his adversaries by promising to reform and reneging afterward, was an important episode. It confirmed Diem's distrust of nearly everyone outside his immediate family and, as a consequence, strengthened the power of his brother, Ngo Dinh Nhu, and Nhu's wife—a couple that made the Borgias look like the Billy Grahams.

As the power of the Nhus grew, many of Diem's most intimate subordinates began to voice their grievances to foreigners. Among the disenchanted were Dr. Tran Kim Tuyen, director of Diem's secret police, and Col. Pham Ngoc Thao, a former Vietminh officer who had turned anticommunist in 1954. They and others like them repeatedly told any American who would listen that the Diem regime would collapse unless it was made to reform. Eventually, the Buddhist resistance of 1963 spiraled into an army-led revolt in which Diem and Nhu were murdered.

But even as this storm was brewing, there was an almost incredible refusal on the part of U.S. officialdom to concede that an eruption was possible. The CIA station chief in Saigon, for instance, offered a memorable reply to questions about rising disaffection in Diem's army. "Come now," he said. "Lincoln had trouble with his generals, too."

In a brilliant analysis of the American commitment to Vietnam published a couple of years ago, James C. Thomson Jr., a one-time White House aide, contended that the Bay of Pigs fiasco, Khrushchev's truculence at Vienna and the Berlin crisis all combined in 1961 to create an atmosphere in which President Kennedy felt compelled to demonstrate America's mettle. The arena for that demonstration was Vietnam. Accordingly, Diem was our man.

This was already apparent in early 1961 when Lyndon Johnson, then Vice President, flew to Saigon and referred to Diem as the "Winston Churchill of Asia." Later, riding in Mr. Johnson's airplane, I asked him why he had lavished such praise on the Saigon leader. "Now, you know he's the only boy we got out there," he responded casually.

That comment was, of course, a variant of the well-known rationale for backing unattractive characters the world over. "He's a sonuvabitch, but he's our sonuvabitch." In this case, though, Mr. Johnson's exuberance had the effect of convincing Diem that he was really Asia's Churchill and, after that, there was no shaking his belief in his own infallibility. Therefore, when Gen. Maxwell Taylor arrived in Saigon in late 1961 to work out the first in a series of massive aid programs to Vietnam, Diem stubbornly rebuffed recommendations that he liberalize his government. In essence, he acted as if he was doing us a favor by taking our help.

It soon became evident, as Robert Scigliano observed, that if Diem and his family were American puppets as the Communists alleged, they were puppets who pulled their own strings. And as the U.S. involvement expanded in later years, we began to perceive that the South Vietnamese pulled our strings as well—for the elementary reason, I believe, that our repeated assertions that the fate of our nation hangs in the balance in Vietnam have naturally convinced them that they hold the key to our destiny.

The pattern that has made us prisoners of our reputed puppets was therefore fixed in our 1961 decision to support Diem on his own terms. Moreover, the style of our approach to the Saigon leaders was set by Frederick Nolting, the U.S. Ambassador of that period. He seemed to believe that, by appeasing Diem, he would somehow store up credit with the Saigon leader that could be redeemed when Washington sought South Vietnam's cooperation on major issues.

Accordingly, Nolting not only went along with Diem's whims but even, on one occasion in early 1962, delivered a speech to the local Rotary Club urging Saigon's middle-class burghers to cease their carping and get behind the regime. Nolting evidently did not know that one earnest Rotarian, Harvard-educated Dr. Pham Quang Dan, was then being held in an airless underground cell in the Saigon botanical gardens for having criticized Diem's family.

The flaw in the Nolting approach—and the flaw in subsequent attempts to appease Saigon leaders—lay in Diem's knowledge that we needed him more than he needed us. Nolting learned that his credit was worthless when, in 1962, he was instructed by Washington to dissuade Diem from breaking relations with the newly formed neutral government in Laos. Diem refused, saying in effect: "I don't owe you a thing."

POSITIVE THINKING

In the meantime, our immersion in a situation we could not quite understand, let alone control, was being accelerated by the insistence of our military establishment that we were making great strides in the crusade against the Communists.

To a large extent, I think, our capacity for self-delusion stemmed from what one U.S. diplomat has called "can-doism"—the certainly that Americans can do anything anywhere and that those who say otherwise are defeatists. In short, we became hypnotized by our own concept of ourselves as supermen to such a degree that American officials in Vietnam were instructed to turn in optimistic reports even if they bore no resemblance to reality. "Positive thinking" was the byword.

This urge to portray the U.S. effort in glowing Technicolor was reflected in Adm. Harry Felt's advice to correspondents to "get on the team." It was also dramatized in the graphs and flip-charts and statistics that led Robert McNamara to state that "by every quantitative measure, we are winning the war." Most of all, I believe, the generals wanted to believe they were making progress because they

knew that there were no promotions for losers. In 1963, after McNamara predicted that Americans would be out of Vietnam by Christmas, 1965, the U.S. commander in Saigon, Gen. Paul Harkins, told me: "I think the Secretary is too pessimistic. We'll be home before the end of 1964."

The compulsion to register progress went to such lengths that a group of senior U.S. officials even announced a minor "victory" when a New Year's Eve party they threw was not attacked by Vietcong terrorists then active in Saigon. A similarly upbeat emphasis was constantly stressed by the ebullient Robert Komer, the former ambassador in charge of pacification. Flying with him around central Vietnam during the 1968 Lunar New Year offensive, we landed at one badly hit town. Komer scanned the scene and said in his staccato style: "They told me this place was 90 per cent destroyed. Why, it's not more than 70 per cent destroyed."

In 1964, when Maxwell Taylor became ambassador in Saigon, the mission machinery was reorganized in order to report progress even if none was actually taking place. Before this, U.S. and South Vietnamese officials had tried to plan together, and movement had been slow. To speed things up, Taylor created a "mission council" composed exclusively of Americans who conceived projects and passed them on in package form to the Vietnamese.

DISREGARD FOR FACTS

In some instances, careful studies of proposed programs were discarded because their recommendations were negative. This was the case in 1961, when two foremost American experts advised against moving peasants into "strategic hamlets" on the grounds that displacing people did more harm than good. Their advice was rejected, and the program went ahead anyway, with dubious results.

The demand from Washington for rapid action sometimes meant that decisions were made without advance study and were justified afterward. In late 1964, for example, a Rand Corporation team was set up to assess the possible political repercussions of employing tactical U.S. air power inside South Vietnam. The team expected to produce "preliminary" recommendations within a year. The bombings started long before that. The team thereupon endorsed the bombings with the somewhat contorted rationale that peasants blamed the Vietcong for turning their villages into targets for air strikes.

The tendency to shoot first and ask questions afterward often reflected a desperate desire to maintain a rapid momentum of innovations. The White House itself was frequently the source of the pressure for this momentum. A six-month course to train South Vietnamese pacification cadres was cut down to six weeks, for instance, because Washington was in a hurry. The upshot, explained one official connected with the course, was that "we turned out sausages instead of competent cadres."

The rush to do something was understandably prompted during times of extreme crisis, when almost any move was considered preferable to inaction. The decision to bomb North Vietnam, though planned in advance, was evidently taken in order to arrest the deteriorating situation in the South in early 1965, when Saigon governments were toppling and the Saigon strategic reserve battalions were being decimated.

Looking back, it seems to me that our conduct in Vietnam was generally less convoluted than many observers have suggested. Indeed, it could be argued that we were insufficiently Machiavellian, especially within the context of an arcane Oriental society. American military and civilian officials were not, like the Vietnamese, chronically involved in complicated plots and conspiracies. On the contrary, they behaved for the most part in straightforward fashion, and that was the rub. Vietnam is a corkscrew country, the "land of the doublecross," as Douglas Pike called it. Yet we persistently believed that we could shape the Vietnamese into facsimiles of ourselves.

To label the 1967 Vietnam elections fraud would be unfair. But they were a farce in the sense that, outside Saigon and other cities, the notion of free choice was alien. Still, Lyndon Johnson wanted a legitimate Saigon government and the Vietnamese leaders saw no inconvenience in obliging him.

At Bentre, the capital of Kienhoa Province, I asked the province chief about previous Vietnamese elections he had known. He candidly replied that the 1959 National Assembly elections had been crooked and the 1961 presidential election even worse.

"What will you have to say about the present elections if I come back here in five or six years?" I asked.

He laughed and answered: "Now these elections, I assure you, are truly honest."

If elections were calculated to Americanize the Vietnamese politically—or at least give that impression to the U.S. public—the decision in 1965 to send American combat troops into Vietnam was a move to Americanize the war. In retrospect, I think it represented a more honestly American approach than the romantic counterinsurgency efforts of the past. Now, for the first time, we would fight in American style with air and armor backed up by PXs and pinball machines.

By the end of 1965, moreover, the sheer weight of the U.S. military presence had stopped the Communists from dissecting the country. After that, however, we deluded ourselves into thinking that our ability to prevent a Communist victory meant that we could achieve a victory ourselves. In late 1967, Gen. Westmoreland announced that we had "turned the corner." A couple of months later, the Tet offensive exploded.

The Tet offensive was not the military success that Communists had anticipated. They took tremendous losses, and their political apparatus in the South was severely damaged, but, perhaps unintentionally, their drive dealt an irreparable blow to U.S. credibility. If nothing more, the Communists showed that they could mount a vast array of actions in the face of American claims that they were on the verge of collapse.

American credibility again suffered from President Nixon's thrust into Cambodia, for his decision seemed to contravene his repeated assertions that he was seeking to wind down the war. Like so many moves undertaken during the Vietnam conflict, the Cambodian invasion was apparently initiated for narrow military objectives without consideration for the wide range of political, diplomatic and psychological repercussions that were bound to occur at home and abroad.

In his April 30 speech, Mr. Nixon underlined an American problem when he depicted the United States becoming a "pitiful, helpless giant" unless we succeed in Vietnam. For the lesson we ought to have learned in Vietnam is that giants at this stage in history are not omnipotent. The Russians are as frustrated by their North Vietnamese allies as we are by our Saigon clients.

Until we adjust our aspirations to our capabilities, it seems to me, we are bound to be disappointed. In the meantime, I am changing the label on my files from "Vietnam" to "Indochina."

[From the Washington Post, Dec. 13, 1970]

WHO TURNED THE COLD WAR BACK ON?

(By Robert E. Hunter)

In the past few months, we have had evidence of a basic change in the administration's view of the world, and particularly of Soviet-American relations. According to this view, the Russians are challenging U.S. naval superiority in the Mediterranean; they tried to test American will to resist new activity in Cuba; they are now dragging their feet in the strategic arms limitation talks (SALT) while they rush ahead in the arms race, and they are stalling on Berlin while they are trying to divide the Western alliance.

This amounts to an effort to view the world with the outdated and discredited attitudes of the Cold War.

Since the Cuban missile crisis and the careful elaboration of second-strike nuclear forces by the United States and the Soviet Union, we have seen truly hopeful progress toward détente in several areas of our relationship. Unlike the short-lived "Spirit of Geneva" in 1955, this détente is based on firm ground.

Both Moscow and Washington have become fully aware that nuclear war would be mutual suicide, and both have learned to accept that their relations do not have to be dealt with as one package but can be understood and negotiated piece by piece. As a result, tensions have gone down in Europe; there is general agreement on the limits of superpower activity in the Middle East; Vietnam has been more or less isolated from U.S.-Soviet relations, and the SALT talks have got under way at long last.

Nor have various shocks to the growth of U.S.-Soviet understanding in any one part of the world had much effect in other parts. Détente continued in Europe despite the invasion of Czechoslovakia, although Western expectations of change in East Europe had to be lowered. And the SALT talks were virtually unaffected either by our invasion of Cambodia or Russian cheating in Egypt.

In short, Washington and Moscow have learned to split up their relations into separate pockets, each of which represents real conflicts of interest or, as in the case of the arms race or Middle East warfare, a real common interest to prevent disaster. This is what it means to end a cold war: no longer do contending powers have to see their relations as all-encompassing. Where negotiation or accommodation is possible, it takes place; where differences of view or interest are irreconcilable, they persist without detracting from those areas of possible understanding.

A CHANGED SITUATION

This is the situation that obtained until the early part of this year. It enshrined the most hopeful developments since World War II, and all was set for negotiations designed to strengthen understanding wherever possible and perhaps even to resolve political problems in one or more areas of the world.

This situation has now changed and, in the view of the administration, the Russians have been chiefly responsible because of new efforts to test American resolve or to exploit growing military power.

The case against the Russians is familiar to any newspaper reader. But what does he know of the case that has to be made against our government's handling of the same circumstances? It is tempting to say that this handling of events has simply been amateurish, but it is worse than that. It is nothing less than the reemergence of the attitudes and even much of the rhetoric that characterized the darkest days of the Cold War.

This autumn, the Soviet Union has been particularly dilatory in pursuing an agreement at Helsinki. Yet our role in making agreement difficult has also to be accounted for. We have to realize that the great spurt in nuclear weaponry since SALT began has taken place as much on the U.S. side as on the Soviet, with its mammoth arsenal of SS–9 rockets.

Two days after SALT began last April, we began installing Minuteman III missiles, and in June we began equipping them with multiple, independently targetable re-entry vehicles (MIRVs). Before discounting this move as simply another American bargaining counter, we should remember that Soviet testing of multiple warheads—mainly of the unguided "shotgun" warhead that our Polaris

missiles have had for years—is among the principal factors causing us so much anguish about Russian intentions.

Even more damning, however, was the Defense Department's revelation July 9 that the Soviet Union had halted construction of SS–9s for six to nine months. It may be that the Russians were only experiencing difficulties in production of the SS–9 and its silos, but it could have been an effort to signal a de facto end to the land-based missile race in order to speed agreement at SALT.

This possibility was never tested by the administration; indeed, the fact of Soviet restraint was carefully concealed from the American public and, more particularly, from the Senate. The Senate thus debated both the Brooke resolution on a MIRV moratorium and the second phase of the ABM without knowing that the Soviet Union had made no new starts on SS–9 construction since before the SALT talks began. If the Russians were trying to signal something, therefore, they would have good reason to distrust the intentions of our government.

In any event, we have surely strengthened the hand of those people in the Kremlin who do not wish the arms race to come to an end—which, in turn, has strengthened the hand of their counterparts in this country. And now we are certain to see the arms race go on to higher levels, probably including MIRVs on both sides, even if we do eventually reach agreement.

THE LINKAGE THEORY

At the same time, the administration has revived the idea of "linkage"—the theory that the entire Soviet-American relationship must be seen as a "seamless web," and that progress at SALT must parallel progress in other areas of our relationship. This is an unfortunate view that undermines the basic learning experience of the 1960s: the compartmentalizing of problems so that some, at least, can be solved.

Ending the arms race is surely the easiest feat to accomplish among all those facing us, partly because it is so much in our mutual self-interest and partly because Moscow and Washington have most of the political cards in their hands alone. Linkage, therefore, is not only likely to have little or no effect on such problems as the Middle East or Berlin; it is also likely to reduce the chances that anything positive will come out of SALT.

SALT must be seen not as a bargaining process where the Russians' supposed greater interest in reaching an agreement can be used to settle other political problems. Either Washington and Moscow will work together to end the arms race, or it simply will not end.

This was always the basic weakness in arguments that the ABM would be a "bargaining chip" at SALT. We now have the chip, yet SALT has slowed down, the arms race continues and there is new worry about the influence of Soviet military opinion within the Kremlin.

Linkage has other dimensions, as well. There have been hints from the administration that Russian cheating in Egypt has called into question whether Moscow can be trusted to keep an arms agreement. But this line of reasoning entirely misses the point.

In the first place, the Russians (or Egypt) were caught cheating, and therefore would know that they would be caught if they cheated on a SALT agreement, where the stakes would be much higher. Second, there can be no comparison between missiles for the defense of Egypt, where there are complications involving Moscow's relations with its client states, and missiles in the central arms race. And third, in both instances we are talking about self-interest, not altruism.

Quite simply, if the Russians do not find it in their self-interest to stop the central arms race, then there won't be any agreement at SALT in any case. Indeed, one has to look no further than Soviet self-interest to explain both Moscow's failure to prevent cheating in Egypt and its likely good behavior in implementing a SALT agreement.

Finally, the most telling evidence of the administration's frame of mind on linkage came after the recent raids on North Vietnam. There were hints that the raids were in line with an argument put forward by the White House earlier this year: that being unpredictable has its value. But even more, the raids were interpreted as warnings to the Russians that agreements have to be lived up to, such as the Soviet-American agreement over Cuba.

This view paralleled the President's comments in July justifying the invasion of Cambodia on the grounds of protecting Soviet awareness of U.S. will. But to anyone who appreciates both the insignificant role the Soviet Union plays in the Vietnam war and the compartmentalizing of problems in the world generally, the logic of this view—not to say its politics—is beyond comprehension.

THE BASE IN CUBA

If this is the administration's attitude, should we be surprised that the Russians might try to be a bit "unpredictable" as well? This question may give meaning to the events, still not particularly clear, that took place in Cuba this autumn.

Needless to say, the stationing of a Soviet facility for servicing nuclear submarines in the Western Hemisphere would do little if anything to erode America's second-strike capability. It is true that if the Russians were able to increase their hunter-killer submarine capacity radically by having a base in Cuba, some of our Polaris submarines might be in jeopardy. But can anyone take seriously the prospect that, short of madness, the Russians will go for a true first-strike capability? As the Stockholm International Peace Research Institute has emphasized, the idea of either side's ever getting such a capability is simply out of the question.

What happened in Cuba was important, if at all, in the realm of politics and what is referred to as "will." The latter is a curious subject, and one on which the United States is strangely lacking in self-confidence. Perhaps in the 1950s there was some reason to worry that the Russians might underestimate U.S. willingness to defend its vital interests, but the Cuban missile crisis surely dispelled that view.

Most importantly, we need to realize that the Russians will ape our behavior as a great power in every way they can. After the Cuban missile crisis, they increased the size and range of their fleet. So, too, the size of their Mediterranean squadron after the Six-day War (a squadron that is still a military nonentity compared with the U.S. Sixth Fleet) indicated that we had had a capability to intervene in that conflict and Moscow did not.

In America, we have a peculiar aversion to looking at the other side of our concern with strength. We never want to negotiate from weakness, but, then, who does? But can we distinguish between strength and superiority? If we cannot, we surely cannot expect the Russians to do so, either.

To this end, cries of anguish about the Russians turning the Mediterranean into a Soviet lake, when this is a patent absurdity, will only reinforce those people in the Kremlin who wish to match our attitude toward the role of superiority. This is the stuff of which arms races are made.

This problem applies equally in the strategic nuclear field. The Russians may be ahead of us in land-based missiles, but they are still inferior in every other form of nuclear power. Our missiles are more accurate, we have more Polaris submarines, we are working on a better ABM and we are already deploying the MIRV. In fact, in terms of the number of deliverable nuclear warheads, we have taken the lead in the arms race in the last year, not the Russians, for all of their SS–9s.

THE BERLIN ISSUE

We are also now seeing the revival of the Berlin issue as a matter of symbolic importance. Years ago, this may have been a valid exercise, since there were few understandings between ourselves and the Russians on other problems. But now these understandings do exist, particularly on the arms race but also including the need to preserve the strategic status quo in Europe.

Unfortunately, we are again looking for symbols when there are matters of substance at hand. This latest round of concern over Berlin began as a problem of reassuring ourselves that Chancellor Brandt's Ostpolitik would not get out of hand. In addition, the West German electorate needed reassurance that the Soviet Union would have to pay a price in Berlin for the Soviet-West German treaty; and there was some value in letting the Russians know once again that the political undermining of the NATO alliance would not succeed.

But it is a long jump from these arguments to an effort to make the Berlin problem the sine qua non for considering not just Ostpolitik but also all other matters of European security and perhaps even SALT. Some linkage of issues directly germane to overall West European concerns (not just those of West Germany) may have been advisable. But by making Berlin the key—in particular the key to the holding of a European security conference that could help legitimate East-West contacts—we are only making it more difficult to achieve progress anywhere. We have simply chosen the wrong link—the most intractable problem—to support our allies' interest in SALT and European detente.

The U.S. government also seems to be forgetting in part the simple lesson that the Communist world is no longer a monolith; linking events in Vietnam to Soviet actions elsewhere is clear evidence of this forgetfulness. But we are also misleading ourselves in seeing disturbances on access routes to Berlin as evidence of Soviet intentions. If anything, these disturbances are evidence of East German efforts to thwart Soviet moves toward easing tensions with West Europe.

Perhaps the U.S. government wishes to control the pace and the character of these Soviet moves—the other side of Brandt's Ostpolitik. By choosing to ignore differences of opinion within the Warsaw Pact, however, we are merely tempting fate within the NATO alliance and failing to exploit differences in *their* alliance.

The administration is also fostering a simplistic view of Soviet activity in the Middle East. It appears, unfortunately, that Dr. Kissinger's "slip of the tongue" last July is a motivation of policy—i.e. to "expel" the Russians from Egypt. Like it or not, we have to accept that the Russians are in Egypt, and elsewhere in the Middle East, to stay.

We have been particularly remiss at analyzing carefully just what has happened militarily in the Middle East. The U.S. government and others were so quick to seize upon the symbolic importance, if any, of Russian activity that a realistic assessment has not even been attempted outside of the State Department.

As a matter of fact, there has been widespread cheating on both sides of the cease-fire, even though Egypt started the process; and Gen. Moshe Dayan was reportedly able to declare, even before we extended another $500 million line of credit to Israel, that Israel's military position vis-a-vis Egypt is better now than it was before the cease-fire began.

We may have good reasons for supporting Israel. But we should not interpret every cry of dismay from Jerusalem as actually changing the balance of military advantage (in which Israel, like the United States with respect to China, considers it vital to main-

tain the ability to launch a successful first strike). Nor should we accept every change as new evidence of a Soviet unwillingness to help prevent war.

In this particular case, Israel did not want to negotiate and Russian-Egyptian cheating provided a welcome diplomatic opportunity for Israel. Yet can anyone really believe that the extra SAM missiles west of the canal have made it any easier for Egypt to try launching an attack across it?

NOT REALLY COLD

Whether valid or not, this is a series of arguments about the Soviet-American relationship that gets little circulation in the United States at present. Of course, we are no really being faced with a return to the worst of the Cold War, however much administration rhetoric may reflect that possibility. The mold has been broken by the more or less immutable character of the strategic arms balance and the firm understandings that the superpowers have reached on Europe.

But there could be a period in which further diplomatic progress was ruled out not so much because of the character of individual differences between the United States and the Soviet Union as because of the administration's insistence on seeing all our problems as necessarily interrelated.

To a great extent, this development represents a failure of American imagination. It should be obvious, for example, that the Soviet Union is going to be a major sea power and will play a major role in the future of the Middle East. Yet by panicking in the face of these inevitable developments, we fail to see either the limited role that naval forces play in influencing the behavior of third countries in this multipolar, nuclear world or the positive role that the Russians could be led to play in stabilizing the volatile Middle East.

In addition, we are failing to take account of new facts of power. During the 19th century and the first half of the 20th, relative balances of military power did spell the possible outcome of conflicts and changes in frontiers or economic advantage. But the role of military force promises to be much lower in the future if only because the central actors, the United States and the Soviet Union, have an ability to deter basic threats to each other's interests and appreciate their inability to change the strategic status quo in Europe—the chief prize in their competition.

SLIPPING ECONOMICALLY

Also, there are economic factors supplementing more traditional military factors in expressing a great nation's usable power, and there the Soviet Union stands to be left far behind. It will soon be a second-class economic power, outranked by Japan and the European Community.

The movement of trade may not be as obvious, romantic or compelling as the movement of military forces. But in terms of the effects that policy has on other nations, trade and economic development can at times bring far more influence than direct intervention.

This does not mean that military power can be discounted; the United States has to remain vigilant and, particularly in sea power, show due regard for remaining aspects of psychological influence that weapons still confer. But we also need to realize that the growth of Soviet military reach is essentially a paradox: it comes at a time when it promises to express a fundamental weakness rather than of growing strength. At least this is the trend of developments.

A more fundamental failure of imagination is reflected in both the rhetoric and the actions of the administration in recent months. It is our failure to realize just how little we know about the outside world, and how much it is changing.

However much we have been involved in the world, we have retained many qualities of an isolated nation—or, better, a provincial nation. Perhaps this is the lot of every great country at the flood tide of its power. It is reflected in much news coverage and analysis; in the lack of interest most Americans take in the outside world, and in the efforts we make to translate the experience of others into terms that are familiar to us.

This, indeed, is why we are so often accused of being "imperialistic"; not so much because of any particular projection of power as because of our difficulty in making the adjustments necessary in dealing as equals with foreigners. It is not surprising that a President who is the epitome of Middle America should reflect its attitudes on the world beyond our borders.

Yet it is questionable that our general ignorance of others can long persist. We are experiencing what other great powers have experienced before us: that as our power declines relative to others, even as it increases absolutely, we can no longer isolate ourselves from the impact of other societies and cultures on us.

AMBIGUITY AS A VIRTUE

We are finally leaving the age of certainty; we are in an age in which power, to be effective, must understand the value of ambiguity. Americans have never cared for ambiguity (indeed, much of what we call "polarization" in our society is really a flight from situations that are by their very nature uncertain).

But whatever power we are able to exercise in the world will depend upon our making a virtue of the ambiguity that will necessarily exist in our relations with others. In the Middle East, for example, there would be some value in blurring the nature of our day-to-day relations with Israel—even if we have a firm commitment to its ultimate security—if we wish to have tolerable relations with the Arab states and to reduce Soviet influence.

The fundamental problem for us, therefore, is to discard the lingering attitudes of the Cold War with the Soviet Union and begin fostering a greater awareness of, and appreciation for, other nations and peoples. In the process, we need to learn more about the role that diplomacy and economics can play in place of military force—indeed, that the Nixon Doctrine cannot be primarily a military doctrine, as the President's recent aid message seemed to indicate. Rather, we need to cultivate a broad spectrum of relations and behavior that reflect the changed, uncertain circumstances of today's world.

[From the Washington Post, Aug. 25, 1970]

UNITED STATES CHANGES FACE OF POLICY IN STATEMENTS ON CAMBODIA

(By George C. Wilson)

The Nixon administration, in a little over seven months, has made over the whole face of its Cambodia policy in its public pronouncements.

The latest change came Sunday when Vice President Agnew told newsmen traveling with him to Southeast Asia that "we are going to do everything we can to help the Lon Nol government" in Cambodia because "the whole matter of Cambodia is related to the security of our troops in Vietnam."

On Jan. 3, 1970, Agnew seemed to be saying just the opposite.

During another Asian tour then, Agnew explained to newsmen why the Nixon administration had supported the congressional resolution barring use of ground combat troops in Laos or Thailand without congressional approval:

"I think that was simply a resolution to indicate that the President wouldn't move unilaterally to engage us in any conflict—further conflict in Asia beyond the Vietnam situation—without returning to the Congress for approval of such action.

"I think it also indicated," Agnew added, "that we would not become involved in any other combat activities with our troops in Asia unless some very extreme, provocative and substantial action took place that might make it necessary for him to seek re-evaluation by the Congress."

Central questions in the current political and public debate over the Indochina war are these: Is Agnew being more candid now about the administration's intentions in Cambodia? Is the Nixon Doctrine really just a name for day-to-day improvisation and not a structured doctrine at all? Has the President's Southeast Asian policy changed radically in seven months?

Spokesmen at the White House, State Department and the Pentagon insist there has been no change in administration policy. The rationale is that President Nixon has made it clear that his actions in Cambodia have been and will be dictated by regard for allied lives in South Vietnam.

However, past public statements projected no such wide-open policy for American involvement in Cambodia. What follows is a sampling of Nixon administration statements on Cambodia since Jan. 3, when Agnew predicted a policy of non-involvement "in any other combat activities," unless the President and Congress agreed the situation was "very extreme."

"Well, in Cambodia we recognize the neutrality, sovereignty and independence of Cambodia. We had nothing to do, directly or indirectly, with the events that transpired in Cambodia." (A reference to Norodom Sihanouk being deposed as head of state in Cambodia on March 18, 1970 by Lon Nol.) "We would hope that the events that transpired in Cambodia will not cause the war to be widened in any way . . . Cambodia has not made any request for military assistance . . . We don't anticipate that any request will be made." (Secretary of State William P. Rogers news conference, March 23, 1970.)

"I think it's important to bear in mind as we turn over these responsibilities to the South Vietnamese that it is better for us to do it on a step-by-step basis rather than follow the policy of the last administration—while we were increasing troops every month, then making public announcements that the boys would be home by Christmas. I think that destroyed the credibility of the Department of Defense, and I don't want that kind of thing to happen as far as this administration" is concerned.

". . . I have said often that I will not recommend troops going to Laos or to Cambodia or to any other place without the consent of the Congress of the United States . . . I have said time and again that as long as I am in this job I would never recommend to the President of the United States the use of American military forces in a combat role, combat responsibility, without the consent of the Congress of the United States. Now I feel that very strongly."

Defense Secretary Melvin R. Laird, April 15, 1970, on the Irv Kupcinet Show, WMAQ-TV, Chicago.

Asked at a Pentagon news briefing on May 6, 1970, why Congress was not consulted in advance about the Cambodian invasion, Laird said: "It was not necessary because this Cambodian operation is a part of the Vietnam program."

". . . Massive amounts of military assistance could not be readily and effectively utilized by the small Cambodian army against the immediate threat. With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian army needs and can use now for its defense. The aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality—not for the purpose of making it an active belligerent on one side or the other

. . . We shall avoid a wider war . . ." (President Nixon, in Cambodia address to the nation, April 30, 1970)

"We are not going to get involved with the Cambodian army or with military operations in Cambodia. This 'Cambodian invasion' is not an operation to widen the war. This is an operation to help hasten the end of the war." (Laird at Fort Gordon, Ga., May 5.)

". . . I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will also come out with them . . ."

". . . The United States, as I indicated in what is called the Guam or Nixon doctrine, cannot take the responsibility . . . in the future to send American men in to defend the neutrality of countries that are unable to defend themselves . . ." (President Nixon news conference May 8, 1970.)

Asked at his news conference on May 13, 1970, whether "what you're ruling out, only, is that we will not get involved directly, militarily, in supporting the Lon Nol government." Rogers replied, "That's correct."

"I dont believe our government has a commitment to Cambodia. Our commitment is to our own forces . . ." (Laird, Godfrey Sperling breakfast group, May 14, 1970.)

"The only remaining American activity in Cambodia after July 1 will be air mission to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam . . ." (President Nixon's Cambodian report to the nation, June 3, 1970.)

". . . The President's policy on air interdiction is that at the present time and after our troops leave Cambodia, our Air Force will be used, be permitted to interdict the supply lines and communication lines in Cambodia . . . It is obvious, of course, that there will be times when, in the process of interdicting supply lines or communication lines of the enemy, that will be of direct benefit to the present government in Cambodia. But I think the main thrust of our policy is to use our Air Force for the purpose of interdicting supply lines and communication lines to protect Americans in South Vietnam . . . Obviously it may have a dual benefit; it may serve our purposes and at the same time serve the Cambodian government . . ." (Rogers press conference, June 25, 1970.)

Asked at Andrews Air Force Base on June 26, 1970 what effect American interdiction would have on Cambodian ground troops, Laird said: "I would think that there would be an ancillary benefit, of course, as far as the troops on the ground, but the primary reason for the air activities will be the protection of Americans in South Vietnam . . ."

"We will conduct—with the approval of the Cambodian government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam . . ." (President Nixon's report on the Cambodian operation, June 30, 1970.)

". . . As far as military support—the United States moving forces into Cambodia for the purpose of helping them defend against enemy attack—that we are not required to do under treaty, and that we do not intend to do . . .

". . . We do not plan to go back into Cambodia. We do plan, however, and I will use this power—I am going to use, as I should, the air power of the United States to interdict all flows of men and supplies which I consider are directed toward South Vietnam . . ." (President Nixon television interview, July 1, 1970.)

(John T. Wheeler, Associated Press war correspondent, on Aug. 5, 1970, filed a well documented, eye-witness report from Skoun, Cambodia, about how American war planes were flying in direct support of Cambodian troops on the ground.)

Asked at a Pentagon news conference Aug. 6, 1970, "How do you square the difference" between that eye-witness account "with the stated policy of interdicting only those things which can jeopardize us in the South," Laird said: "Well, in that particular area it is very much related to the opening up of the sea area for supplies . . ." He said American bombers could hit enemy troop concentrations outside populated areas in Cambodia.

Recent reports from the field in Cambodia suggest that the military term "interdiction" has been stretched to authorize the bombing of enemy troops whenever they are spotted in the open.

[From the Saturday Review, Feb. 14, 1970]

WHO MAKES OUR FOREIGN POLICY?

(By Richard L. Tobin)

When in March 1968 Senator Fulbright, chairman of the Foreign Relations Committee, openly challenged Secretary of State Rusk on President Johnson's Vietnam position, Congress signaled a halt to its lapse in sharing the responsibility of establishing U.S. foreign policy. For the first time since World War II, Congressional leaders, especially within the Senate, not only disagreed with the White House on a vital issue of foreign policy but began doing something about it.

Speaking along these lines, Dr. Francis O. Wilcox, dean of the School of Advanced Studies at Johns Hopkins, told an Ann Arbor audience at the annual Vandenberg Lecture that the most significant development in the government of the United States during the past thirty years has been the formidable expansion of Presidential authority. One by one, said Dr. Wilcox, "the powers of Congress have fallen into disuse. One by one, they have been whittled away. Slowly but surely the President has taken a larger slice of the foreign-policy pie. And the members of Congress are beginning to wonder where it will all end." Although John Adams said that the legislative and executive were "natural enemies," no partisan of the democratic system of checks and balances, and of separation of powers, can be unaware that the trend toward executive dictatorship has not yet reversed itself.

For more than a quarter of a century, Congress has been continuously losing power to the executive branch. It is no longer coequal with the executive and the judiciary, as Roscoe Drummond has pointed out: "It has lost control of the budget. It is not an adequate monitor of the administration. It is so burdened with trivia that it is rarely able to give priority to crucial legislation. At most points it is so understaffed with its own experts that, more often than not, it cannot give independent study to Presidential proposals." And, as Walter Bagehot observed a century ago, the fundamental weakness of the American system is not simply that it encourages deadlocks between the Congress and the President but that it yields no solution, no way of pointing out the responsibility when situations harden.

The trend toward ever greater executive control of foreign policy is an orphan of World War II, when Presidents Roosevelt and Truman sought, and the Senate obligingly gave them, extraordinary powers to deal instantaneously with critical wartime situations. When peace came, these powers stayed at 1600 Pennsylvania Avenue, and the quick succession of major foreign policies decided at top level—the organization of the United Nations, the Marshall Plan, the Truman Doctrine, NATO, SEATO—were seeded in the White House, not on the Hill. Cooperating at a high level of intelligence and selfless patriotism, the Senate Foreign Relations Committee helped underwrite America's posture on the Korean War (though Truman never asked the Senate to ratify the fact of war), the Berlin blockade, the Middle Eastern and Hungarian crises, the disaster of the Bay of Pigs, the Cuban confrontation, and, under three Presidents, Vietnam. But the initiative came—after consultation, it must be added—in all cases from the White House and not from the Hill.

In these days of sudden flare-ups anywhere in the atomic world, the President has preeminent responsibility for foreign policy decisions, because there is quite often simply no time to convene the Foreign Relations Committee and to hold public hearings. Congressional leaders may be consulted and warned of the grim facts, but they and their cumbersome machinery cannot cope with instant crisis as we approach the twenty-first century. Just the same, the Senate in particular can be invaluable as a place of overview and lookout. The Foreign Relations Committee almost single-handedly forced President Johnson to reverse his Vietnam stance when Senators Morse, Mansfield, McCarthy, Fulbright, Church, and other Democrats on the Hill became openly critical of quicksand policies and the annual boasting by the military. The President's dramatic televised statement that he would not seek re-election and would press immediately for summit peace talks in Paris was fruit plucked from a tree grown and watered on the Hill, not the White House lawn.

The federal Constitution expressly vests in the President the power of Commander-in-Chief of our military forces—the ultimate foreign policy. And the President has the power to make treaties with the advice and consent of the Senate. But nowhere in that great document did its enlightened authors specifically select the President or, for that matter, any other person or federal body to be responsible for U.S. foreign policy. In actuality, the State Department has done a preponderance of the legwork and the homework on which our foreign policy has always been based. Such Secretaries of State as Acheson and Dulles were virtually their own bosses when it came to America's relationship abroad, while Rusk and Rogers have worked more under the direction of the White House.

Over the years, however, the Senate has by tradition had a powerful hand in the formation of foreign policy, a trend only world war and its aftermath have altered in the recent past. Heartening as it is that the Senate Foreign Relations Committee is once again questioning White House overseas commitments, particularly in regard to undeclared wars, the sober fact seems to be that, in the swiftness required by an atomic age, foreign policy will more and more become the province of the Chief Executive with the Hill left only a sort of informal veto power, always after the fact and occasionally, perhaps, after the crisis has subsided.

[From Newsweek, Nov. 23, 1970]

VIETNAMIZATION IS NOT PEACE

(By Maynard Parker)

(Until recently, when he was reassigned to Hong Kong, Maynard Parker was Newsweek's bureau chief in Saigon. After eighteen months of reporting both the political and military aspects of the Vietnamese war, Parker filed this personal assessment on the prospects for peace in Indochina.)

Last year, when I stopped in Paris en route to Saigon, the talk was not whether there would be peace, but how soon it would come. Even in Saigon, there was a feeling that peace was a few months away. South Vietnamese politicians gossiped about who might be included in a coalition peace Cabinet, and in the countryside, U.S. advisers discussed which villages would hoist the NLF flag on cease-fire day. But today, no one in Vietnam thinks there will be peace this year or even this decade.

Personally, I am convinced that hundreds—perhaps several thousand—more Americans will die before the U.S. has extricated itself from this war. For in retrospect, it is questionable whether either side went to Paris prepared to negotiate anything but a veiled surrender by the other side. The essential question of the war has always been who will emerge with power in Saigon, and on that question neither side has been willing to make significant concessions. Certainly, the Communists have not. Neither has President Nixon—for fear of placing the Thieu government in an impossible position of military and political inferiority. As President Thieu himself told a group of visitors a few months ago: "I'm too weak to cooperate in an accommodation with the Communists."

Now after a string of military successes, Thieu is telling his countrymen just the opposite—that South Vietnam is too strong to compromise with the other side. Only President Nixon could have broken this impasse by forcing Thieu to make peace. In choosing not to do that in the first days of his term, Mr. Nixon almost by default has opted for a long war and a continued American involvement under his Vietnamization policy. A diplomat whom I know in Saigon is now offering to bet a case of champagne that there will be 50,000 U.S. troops in Vietnam in 1980. I would not bet against him.

For far from staging a great retreat from Vietnam or Asia, I think Mr. Nixon is in Vietnam to stay. Vietnamization will permit substantial American withdrawals, but it is not a withdrawal strategy. The basic American objective of winning the war has remained unchanged. Deputy Ambassador Samuel Berger, holding forth at a Saigon dinner party, once told me: "The American people are not like the French. They aren't losers; they don't want to go out of here defeated and we're not going to." And that kind of thinking prevails among U.S. officials in Vietnam. While paying lip service to the Paris talks, these officials are rosily predicting that the war will simply die out—in a way which will amount to a U.S. victory. The enemy, in this view, will eventually fade away, except for what Deputy Ambassador William Colby, one of the architects of the extraordinarily successful U.S. pacification program, calls "a residual level of violence." What is always left out of these predictions, however, is the fact that such a level will require a million-man South Vietnamese army and thousands of American troops.

American officials in Washington hint that the President will have all U.S. troops out of a combat role by next summer. But U.S. military commanders in Saigon are planning to keep at least two U.S. divisions plus supporting units in enclaves—one in the Saigon-Long Binh area and another in the Da Nang-Hué area—for the indefinite future. Mr. Nixon will no doubt call these men security forces instead of combat troops, but whatever the semantics, they will be employed in a combat role as a reaction force to bail the ARVN out of any possible trouble.

It seems to me that this policy entails enormous risks. It is not just that there will be an undeniable physical danger to the U.S. troops left behind in the enclaves. The Vietnamese Communists are not simply going to fade away—not as long as they are respected in the south as the heirs of Vietnam's nationalistic traditions and not as long as the Chinese continue to supply them. And as the war drags on, it will become more dangerous for the United States in certain respects. Not only do we risk an ever-higher penalty in terms of lost prestige for any eventual defeat, but there is the danger of the war spreading even further. Cambodia has already been drawn into the general conflagration. And further escalation—a thrust across the Laotian panhandle or even limited bombing of North Vietnam—should not be ruled out, particularly if Mr. Nixon wins a second term and feels freer than he does now of the constraints of public opinion.

What then is an alternative solution? The only answer possible at this late date seems to be for the U.S. to announce a deadline for the withdrawal of all U.S. troops. I do not suggest that the U.S. should accept the NLF's timetable or even those put forth by various Congressional critics of the Administration. Rather, the Administration should choose a deadline such as Christmas 1972 or even Christmas 1973—a deadline which would shock the South Vietnamese into the realization that the Americans really are leaving the country.

I do not think it fair to suggest, as Ambassador Bunker has often done, that by pulling out in such a fashion the United States would be welshing on its commitment to the Vietnamese and that Washington's word would no longer be worth anything to its allies. The U.S. commitment to Vietnam was never meant to be open-ended. The United States has stopped the enemy from taking over; it has introduced Vietnamization to enable the South Vietnamese to defend themselves; and it has introduced a semidemocratic, constitutional government in the process.

Nor do I agree that setting such a deadline would mean abandoning the South Vietnamese to disaster. The military situation in South Vietnam has now progressed to the point where a military take-over by the Communists is no longer a real possibility—not at least in the next two or three years. If the South Vietnamese, with a million-man army and with one of the world's largest air forces, cannot defend themselves within a year or two years' time, then there is very little reason to think they ever will be ready to stand alone.

CAMBODIA: DECEMBER 1970

(A staff report prepared for the use of the Committee on Foreign Relations, U.S. Senate, Dec. 14, 1970)

LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
December 14, 1970.

DEAR MR. CHAIRMAN: On November 19, the Committee asked us to go to Cambodia and to report on the situation there in order to assure that the Committee would have as much information at its disposal as possible regarding the President's request for supplemental funds for military assistance and economic aid to Cambodia. We departed from Washington on November 22.

We spent a day and a half in Saigon on our way to Cambodia in the course of which we were briefed at U.S. Military Assistance Command Vietnam (MACV) Headquarters and Seventh Air Force Headquarters. We also visited the Long Hai Training Center at which Cambodians were being trained.

26 and departed on December 4. During our stay we were received by Prime Minister Lon Nol, Deputy Prime Minister Sirik Matak, the Ministers of Foreign Affairs, Justice, Finance and Information, the Counselor to the Government, officers and members of the Senate and the National Assembly, the Commissioner General of Economic Planning and a number of senior Cambodian military officers. We met with officers of the American Embassy, including members of the Defense Attache's staff, and with a number of foreign diplomats, journalists and others. We visited the Cambodian Training Center at Kambaul, outside Phnom Penh, and called on General Sosthene Fernandez, Commander of Military Region II, at Kompong Speu.

Following our classified report to the Committee on the morning of December 8, you asked that we prepare an unclassified report but that it not be released until after the Committee had received testimony from the Secretaries of State and Defense in support of supplemental Appropriations for Foreign Assistance in Fiscal Year 1971. Our unclassified report, in which we have followed our usual practice of avoiding direct attribution, is attached.

Sincerely yours,

JAMES G. LOWENSTEIN.
RICHARD M. MOOSE.

CAMBODIA

I. INTRODUCTION: CAMBODIA NINE MONTHS AFTER SIHANOUK'S FALL

The events following Sihanouk's fall have brought an increasingly wider war to Cambodia with military consequences in virtually every part of the country and economic consequences already felt or soon to be felt in every sphere of the country's commercial and financial life. As of December 4 when we left the capital, Phnom Penh was practically isolated from the rest of the country. All major roads out of the city were interdicted in one or more places by North Vietnamese and Viet Cong forces, with the exception of Route 1 to Saigon which was under the protection of the South Vietnamese Army (ARVN). The country's two major railroads were also cut. Thus, there was and still is no land route between the capital and the country's principal port of Kompong Som or between Phnom Penh and the major rice producing area in the northwest.

In the northern and northeastern portions of the country, the Cambodian Government is no longer in control, having lost or abandoned the area to the North Vietnamese, Viet Cong and local Khmer communist groups. Throughout the rest of the country, except for Phnom Penh and a few isolated major cities, government control is actively contested.

Facing some 45,000 invading North Vietnamese and Viet Cong troops, the Cambodian forces—which stood at 35,000 poorly armed men in May—would probably have been destroyed and the country completely taken over were it not for the assistance that has been given by the U.S. and South Vietnam. The Cambodian Army—now about 165,000 men—and Cambodian Air Force are completely dependent on the U.S. Military Assistance Program, on the captured weapons and war materiel provided by the South Vietnamese, on the training of tens of thousands of Cambodian Army personnel in Vietnam (and, in smaller numbers, in Thailand), on ARVN operations in the eastern and southeastern parts of Cambodia, and on the air support provided by the U.S. and South Vietnamese air forces.

The military situation is thus already serious. The economic situation promises to be. Cambodia is faced with the certain prospect of falling domestic revenues and export earnings amounting to between a third and a quarter of normal, a budegt deficit which some Cambodian officials have said may go as high as $400 million, future losses of their industrial infrastructure which has already been severely damaged, and serious if not total disruption of their distribution system.

On the basis of the limited number of contacts it was possible for us to have in eight days, it appeared to us that there is considerable support for the government of General Lon Nol among the youth and intellectuals, in marked contrast to the situation in South Vietnam, and among civil servants and members of the Senate and the Assembly. There is concern about corruption, which continues, and a division of opinion in connection with the drafting of a new constitution between those who favor a strong executive and those who prefer a strong assembly. But, in general, internal divisions seem to have been put aside for the moment. There is an evident sense of national identity and purpose and a determination to defend the country without foreign troops.

It seems to be a universally held assumption in Phnom Penh that, because the United States has given so much to so many and has so frequently proclaimed itself the ally of those subjected to aggression, we will come to Cambodia's rescue, enabling the government to maintain its present precarious position and eventually to drive the invaders from Cambodian territory. Indeed, it is taken as a foregone conclusion by Cambodian officials and by our Embassy that American help—which has, after all, already begun—will continue.

II. THE MILITARY SITUATION IN EARLY DECEMBER

A. Between one-third and one-half of the country is no longer under the control of the Cambodian Government which means that enemy forces—that is, the North Vietnamese, the Viet Cong and the Khmer Rouge (Cambodian communists)—can do there what they wish. This part of Cambodia, which lies north of an imaginary line bisecting the country in a generally Southeasterly direction from Siem Reap to Kompong Thom to Kompong Cham, is sparsely settled with a population probably not exceeding 150,000. In this area, there are no Cambodian government forces and no government administration. There is some organizing of the population by the North Vietnamese and by the Khmer Rouge, but no one seems to know how much.

B. In the remaining portion of the country, there are enemy elements in every province including Battambang which was thought to be free of the enemy until a few weeks ago.

The enemy units, which are of various sizes, seem to be able to move at will. Some small enemy units are as close as 15 miles.

C. Major segments of the Cambodian Army are tied down in scattered locations where they are confined to roads and isolated from their sources of supply. These units are badly lacking in fire power.

D. One cannot travel safely at night outside Phnom Penh beyond the airport or in any other part of the countryside. Even during the day, all highways, radiating out from Phnom Penh are cut except Route 1 to Saigon which, as we have noted, the South Vietnamese Army is keeping open. Railroads to the port of Kompong Som, Cambodia's principal port, and to Battambang and on to the Thai border, the center of Cambodia's principal rice-producing area, are both cut.

E. Terrorism and sabotage, while not yet serious problems, are on the increase, the bomb in our Embassy being a recent example.

F. Cambodian and U.S. estimates of North Vietnamese and Viet Cong forces fall within the range of 40,000 to 55,000 with Cambodian estimates tending to be higher than American estimates. Enemy forces are said to be about evenly divided between combat and support troops, and some Western observers believe that only 5,000 to 6,000 enemy combat forces are committed against the Cambodian Army as a primary objective.

G. The most frequently heard estimate of the number of Cambodians fighting under communist leadership against the government is 10,000. There are reports that some Cambodian units are fighting with North Vietnamese-Viet Cong regiments and that over a hundred enemy training centers have been established in Cambodia. It is unclear whether the local communist forces consist only of Khmer Rouge (the strength of the Khmer Rouge was estimated in May, when we were last in Cambodia, at about 3,000) or Khmer Rouge and FUNK (the name given to pro-Sihanoukist forces). It is also unclear whether the Khmer Rouge is still an anti-Sihanoukist communist movement, whether all FUNK units are pro-Sihanoukist and indeed how large a force FUNK has become. Certainly it is not as large as many believed six months ago it would be by this time. There are reports of friction between the North Vietnamese and Viet Cong, on the one hand, and the Khmer Rouge, on the other. Cambodian officers and civilian officials often deny that any Cambodians are fighting with the enemy.

H. Figures regarding Cambodian combat losses can seldom be substantiated. Estimates of enemy losses are also imprecise.

It is said in Phnom Penh that 40,000 of the enemy have been rendered "hors de combat" since the beginning of the war. The ratio of enemy weapons captured to enemy killed and wounded by Cambodian forces is far lower than what one would normally expect, far lower, for example, than comparable South Vietnamese ratios. So is the ratio of prisoners captured. American officials know little about prisoners because the only source of information on this subject is the Cambodian military, and one Western observer told us that "they do not like to talk about prisoners." Some reporters say the explanation is simply that the Cambodian Army is killing virtually all of those captured, and one correspondent claims to have sent his home office photographs of Cambodian soldiers killing prisoners.

I. Cambodian army forces now total some 165,000 compared to 35,000 in May. Cambodian officials admit that not all of these forces have arms. In addition, there is a small Air Force and Navy. There are also paramilitary forces in the provinces.

J. The vast majority of new Cambodian military personnel have been or will be trained in South Vietnam and Thailand. Most of these trainees receive basic infantry training. Training is underway or planned for twice as many military personnel as have already been trained.

K. COSVN is now reportedly located at Kratie, about 45 miles inside Cambodian Government control.

L. While the assumptions about enemy intentions offered by American officials, on the one hand, and Cambodian officials, on the other, differ in varying degrees, the Cambodians, for perhaps understandable reasons, seem to believe that the immediate enemy objective is the domination of Cambodia. The American theory is that enemy activities in Cambodia are ultimately related to their objectives in South Vietnam. One well-informed diplomatic observer reasoned that for the North Vietnamese and Viet Cong the optimum result of the present struggle would be the proclamation of a neutral Cambodia by forces friendly to them. In his view, this result could deter allied operations in Cambodia while assuring the enemy free access to Cambodian territory.

III. U.S. MILITARY SUPPORT IN CAMBODIA

A. The U.S. has been virtually the sole supplier of new arms, ammunition and aircraft to the Cambodian military. Other countries (Australia, Japan, Nationalist China, New Zealand, Thailand, Korea and the U.K.) have provided only small amounts of equipment, uniforms, prefabricated bridging, medicines or humanitarian assistance.

B. Although the Cambodian Air Force flies more sorties a day than an air force the size of theirs could be expected to fly, the majority of bombing and support strikes against the enemy in Cambodia are conducted by the U.S. and South Vietnamese Air Forces. The U.S. Air Force has had to assume an additional part of the missions within South Vietnam in order to permit Vietnamese Air Force operations in Cambodia.

C. While it was announced in Washington some months ago that the U.S. would conduct air interdiction operations against enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam, it is common knowledge among officials and unofficial observers in Cambodia that this general description covers a wide variety of combat, support and intelligence missions. Examples of missions observed by journalists include flare ship missions, "Spooky" and "Shadow" gun ship attacks, medical evacuation missions, leaflet drops and forward air control missions for American and South Vietnamese aircraft operating in Cambodia.

D. We found it commonly accepted in Phnom Penh that both Vietnamese and U.S. aircraft are providing what amounts in fact to close air support for Cambodian forces. Close air support was defined for us twice by U.S. military authorities: once as the expenditure of ordnance "within 300 meters of friendly positions" and another time as a strike against enemy forces "in contact" with friendly troops. Some journalists with whom we talked told us that they had seen U.S. aircraft using napalm and other ordnance closer than 300 meters to Cambodian forces. We noted that in casual conversation the terms "air interdiction" and "air support" tended to be used interchangeably. In sum, most U.S. officials clearly felt that describing all U.S. operational air attacks as "interdiction" missions was, purely and simply, "camouflage," as one official put it.

E. The U.S. plays some part in the training of Cambodians underway in Vietnam. We visited the training center at Long Hai where a Vietnamese captain is nominally in command. But it became apparent in the course of our visit to the center, formerly a U.S. Special Forces camp, that a U.S. Special Forces officer was, in fact, in charge of the training. There were other U.S. military personnel at the center most, if not all, of whom were Special Forces personnel. The other training center for Cambodians in Vietnam is at Lam Son. A Cambodian NCO who had been trained there told us when we talked to him in Phnom Penh that while his instructors had been Vietnamese, there were Americans present and they had "supervised" the training program.

F. In addition to arms received under the Military Assistance Program, Cambodia has also been given other small arms through the excess property program.

G. Furthermore, some C–47's which Cambodia received from the U.S. under the Military Assistance Program were not charged to the program. They were simply newer C–47's "swapped" for those the Cambodians had that could not be used without extensive inspection and repair. Incidentally, the repair of Cambodian T–28's is being performed by Air America outside Cambodia under a contract charged to the Military Assistance Program to Cambodia.

H. The U.S. had administered the Military Assistance Program in Cambodia through a five man Political-Military Section in the Embassy. The Embassy is convinced it can continue to do without a Military Assistance Advisory Group (MAAG) as long as MACV in Saigon continues to backstop the program administratively.

I. Because of the need to insure a guaranteed continuing source of ammunition for captured AK–47's, which constitute more than fifty percent of the small arms in the Cambodian Army inventory, AK–47 ammunition is being manufactured in the United States under a contract paid out of military Assistance Program funds.

IV. SOUTH VIETNAMESE MILITARY SUPPORT FOR CAMBODIA

A. The South Vietnamese have provided captured enemy stores and have transported the arms and equipment provided by the U.S. as well as those they have provided themselves.

B. South Vietnamese forces are carrying the burden of fighting throughout eastern Cambodia. ARVN strength in Cambodia has been estimated by reporters at 15,000. Cambodians at all levels clearly regard the continued presence of ARVN troops as a mixed blessing. On the one hand, they recognize that the ARVN is bearing the brunt of the

fighting in eastern Cambodia and will probably have to continue to do so, or even to do more, for a considerable time.

On the other hand, there are continuing stories in Phnom Penh concerning the misbehavior of the South Vietnamese troops and considerable indignation at the recent South Vietnamese Government request that the Cambodian Government pay between three and four million dollars for expenses incurred by ARVN in the course of operations in Cambodia and establish a fund for food expenses in advance of future operations.

C. For the training of Cambodians in Vietnam, the Vietnamese provide instructors, facilities, transportation to and from training areas and medical personnel for dispensaries. Given the extent of overall U.S. support for the ARVN defense budget, much of the "Vietnamese" share of training costs could probably properly be attributed to the U.S.

D. In early May several battalions of Khmer Krom, ethnic Cambodians residing in South Vietnam who were originally organized and trained by U.S. Special Forces but were at the time part of the South Vietnamese Civilian Irregular Defense Group, volunteered to go to Cambodia and were airlifted to Phnom Penh by the South Vietnamese. Other Khmer Krom units followed.

V. THE ECONOMIC SITUATION

A. The Cambodian Government has neither a clear idea of what its financial position will be at the end of this year nor a firm budget estimate for next year. (The Cambodian fiscal year corresponds to the calendar year). At the beginning of 1970, before widespread fighting broke out, this year's deficit had not been expected to exceed $9 million. Now, however, it is estimated by Cambodian officials that the actual deficit will be about $40 million.

B. As far as next year is concerned, the Cambodians initially requested approximately $400 million of U.S. economic assistance, a figure which apparently corresponded to their estimated budget deficit. The Embassy believes that a deficit of such magnitude is unnecessary and that, in fact, a deficit in excess of $100 million would be hazardous to the economic stability of the country.

C. One of the principal factors controlling the amount of the deficit will be the size of the Cambodian military establishment. On the subject of force levels, as on so many other points, there is apparently no firm planning figure. The Cambodians continue to talk about military force goals in what many regard as a most unrealistic way. The publicly announced goal is 210,000 by the end of 1970, and there is talk of an ultimate goal of 610,000.

D. Another factor which might contribute to producing an unmanageable deficit is the fact that the pay and allowances of a new Cambodian recruit add up to about $30 a month. That rate is high by Asian standards. It is, for example, about twice what an ARVN recruit is paid. A high pay scale involved manageable costs when Cambodia had an army of only 30,000, but if an expanded force of 175,000 is paid at the same rate, the cost of just military pay will be staggering.

E. As government expenditures rise, the productive capacity of the country is being crippled as a result of extensive damage to its industrial infrastructure. In addition to the interdiction of railways and roads and the destruction of bridges, mentioned earlier, the following facilities have been destroyed by either the enemy or by allied air and ground operations: most of the rubber processing plants, a cement plant, a paper mill, a phosphate fertilizer plant, a munitions plant and several rice mills.

F. The Cambodian Government thus faces the prospect of a drastic fall in both domestic revenues and export earnings.

The latter, which were $64 million in 1969, dropped this year to between $40 million and $45 million, a figure roughly corresponding to current imports. Due to the present impossibility of exporting any rubber, and to substantial decreases in other exports, total 1971 earnings are not expected to exceed $20 million. The possibility of reaching even this level depends almost entirely on whether the large ($15 million) rice crop now being harvested in Battambang province can be moved to port for sale abroad. Ordinarily the rice would move by railroad but at present all lines are cut. Two alternative plans, once thought feasible, now appear unlikely: trucking the rice to Kompong Som, at three times the normal transportation cost, or taking it out on barges via the Tonle Sap lake. The first of these is now apparently ruled out by a shortage of trucks and by North Vietnamese interdiction of the road to Battambang, and the second by the presence of North Vietnamese forces at the lower end of the lake and the normal dry season drop in the water level.

G. As of December 4, when we left Phnom Penh, no decision had been communicated to the Embassy regarding the kind of an economic assistance program to be instituted in Cambodia. An early AID report had suggested one approach, a recent IMF report had suggested another and the most recent report by a team of economists under AID contract had suggested still a third. With respect to some questions, the three reports apparently reached contradictory conclusions. In sum, there may still be no agreed program for utilizing the funds which are now being requested, although apparently the Embassy has told the Cambodians that we are not going to provide budgetary support *per se*.

H. The prospects seem dim for economic assistance of the sort Cambodia now needs urgently from other countries.

Cambodia has decided to draw on a French line of credit, extended shortly before Sihanouk's ouster, but these credits are for development projects. There is no indication that Australia is thinking of additional aid beyond what they are giving. Some Cambodians speak gamely of getting $20 or even $40 million more from the Japanese, but our impression was that this is not a likely prospect.

VI. MISCELLANEOUS OBSERVATIONS

A. It is literally impossible for anyone—foreigner or Cambodian—to have a precise idea of what is going on in Cambodia. In the first place, there are virtually no Westerners outside the capital. The Cambodians themselves are not well informed in many cases. Because Embassy personnel are able to travel only rarely, and because—to the best of our knowledge—there are no U.S. advisers with Cambodian units, our officials must rely on what Cambodian officials or journalists tell them. There is apparently some reticence on the part of the ARVN, as far as keeping the U.S. informed of operations in Cambodia is concerned, and since there are no U.S. advisers with ARVN forces in Cambodia, according to everyone with whom we talked, we are really dependent on the ARVN for any information they wish to provide about their own activities.

B. Both U.S. and Cambodian Government officials are optimistic, although our officials are quite sensitive to being so characterized, about the military situation—that is, about the ability of the Cambodian armed forces to "hold the line" as it now stands. Even they do not talk of the possibility in the foreseeable future of pushing the enemy out of the area in which there is no longer government control. They base their relatively optimistic view in large part on the belief that interdiction efforts against the Ho Chi Minh Trail, coming on top of the loss of the use of the port of Sihanoukville (now Kompong Som) and the heavy losses of supplies captured in the sanctuaries will severely impair the enemy's ability to reinforce or resupply his forces in Cambodia and on the assumption that the enemy will not be able to recruit significant numbers of Cambodians. They are convinced that the enemy is weaker than heretofore in terms of morale, supplies, equipment, health and manpower. Some correspondents, who have seen military action at close hand, some diplomats and some ARVN officers with whom we talked in Phnom Penh are considerably more pessimistic.

C. Given the scope and complicated nature of what we are doing in Cambodia—with these efforts divided between U.S. commands in Saigon and Thailand and among State, AID and Defense in Washington—it is not surprising that the left hand of the U.S Government is often unaware of or misinformed about what the right hand is doing. For example, in reply to our inquiries about reports of damage to civilian targets by U.S. air strikes, Embassy personnel said they did not know where bombing attacks were being made or the results of such attacks. Yet it seems that U.S. military assessments of the results of bombing attacks are available at least in Saigon.

D. If the Cambodian military assistance program is to be continued without greatly increasing American military presence, the existing end-use reporting requirements might be reviewed. As they now stand, these reporting requirements strengthen the case for the establishment of a full scale MAAG mission in Phnom Penh. The military assistance program is now being administered by the Embassy's Political-Military section, but there is constant pressure from Defense to send additional personnel to satisfy an alleged need for additional end-use information.

VII GENERAL OBSERVATIONS

We alluded at the beginning of this report to the assumption of both Cambodian officials and U.S. officials in Phnom Penh that U.S. military assistance will continue and that U.S. economic assistance will begin. It is perhaps stating the obvious to say that the question before the Committee is not whether to initiate a Military Assistance Program. That program is already underway to the extent of $100 million. If such a program can constitute a commitment of support, as the Cambodians have certainly inferred, the commitment has already been assumed. It appears, therefore, that the question before the Committee is not whether to enter into such a commitment but whether to terminate it, on the one hand, or to continue or expand it, on the other, and, if so, with what limitations.

It seems clear that providing effective assistance to Cambodia—sufficient for it to train, arm, equip and sustain in the field a large enough force to hold the present line militarily—will require a Military Assistance Program of several years duration and—given the effect the war has already had on the economy, not to mention the effect that continued fighting will have—a concomitant program of related economic assistance. There will undoubtedly also be indirect costs to the United States as a result of South Vietnamese ground and air operations in Cambodia.

In a way, these costs might be considered as merely an additional price it has become necessary to pay for Vietnamization. But there are subtle and complex undertones to justifying military and economic assistance to Cambodia on the ground that such assistance is, as the President said in his transmittal message to the Congress on November 18, "a vital element in the continued success of Vietnamization."

Notwithstanding the obvious strategic connection between Cambodia and Vietnam, the Cambodians themselves emphasize the distinction between the situation in their country and the situation in Vietnam, a distinction they seem to believe Americans do not understand. They point out that they are

asking not for troops and advisors but for material assistance, and that this help is needed not to fight a guerrilla war but to meet an unprovoked invasion by foreign forces, which are occupying parts of their country and are attempting to subjugate other parts. In Vietnam, they point out, American forces are fighting what is in part a civil war and in part a guerrilla war between Vietnamese on Vietnamese soil.

If the distinction is valid, and if assist- to Cambodia is justified primarily on the ground that it assures that U.S. forces can continue to be progressively withdrawn from Vietnam or that the preservation of a non-Communist Southeast Asia is vital to U.S. security, why should other countries be expected to assist the U.S. to solve a problem that is primarily an American concern? Furthermore, if the U.S. intervened in Vietnam originally, and continues to maintain forces there, to enable the South Vietnamese to determine their own future without outside interference, why does the same principle not apply to Cambodia today? And if it does not apply to Cambodia today, why was it ever valid for Vietnam or, for that matter, for any other country receiving American military assistance.

Finally, does tying Cambodian assistance to Vietnamization not mean that as a practical matter Vietnamization is now tied to the survival of the Lon Nol Government for the next two years, despite disclaimers that have been made, for could Vietnamization continue if Cambodia fell under complete enemy control?

Cambodians find it difficult to understand the complicated and involved elements of the American dilemma in Southeast Asia today. Looking back at the pattern of American behavior in Asia over the past two decades, they seem mystified by the signs of American hesitancy in arming them to defend against an invading force armed by China and the Soviet Union. Seeking to understand American perceptions of the U.S. national interest in Southeast Asia, they sometimes see this interest in surprising ways. One Cambodian leader remarked to us that having "lost face" in Vietnam, the United States now had an opportunity in Cambodia to regain its lost prestige.

UNANIMOUS-CONSENT REQUEST

Mr. ALLEN. Mr. President, in order that the distinguished Senator from Delaware (Mr. WILLIAMS) may propound a unanimous-consent request, I yield the floor at this time.

Mr. WILLIAMS of Delaware. Mr. President——

The PRESIDING OFFICER (Mr. GOLDWATER). The Chair recognizes the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, earlier this afternoon I made the suggestion that I was going to present a unanimous-consent request following the establishment of a live quorum. The unanimous-consent request was in four parts, covering four different proposals. In view of the fact that we have just entered into a unanimous-consent agreement relating to H.R. 19911, the Foreign Assistance Act, that part designated as No. 1 of the agreement I presented earlier will be eliminated from the proposed unanimous-consent agreement. But the other three parts, Nos 2, 3, and 4, will be presented to the Senate.

I should like to repeat what I said earlier this afternoon.

Mr. President, the Senate has gotten itself into the ridiculous posture of having a series of filibusters or threatened filibusters, all running simultaneously.

The Senate debated H.R. 19911, the Foreign Assistance Act, all day yesterday and still has no prospect of an early vote.

The Senate has been put on notice that when the conference report including the supersonic transport is laid before the Senate there may be a 2- or 3-week talkathon.

The Senate has been delayed for several days in debate on H.R. 18306, the act to authorize an increase in our participation in certain international financial institutions.

There is a threat of a filibuster when the amendments dealing with the trade bill are before the Senate.

And as if that were not enough, we hear rumors that when the guaranteed annual income plan—Ribicoff-Bennett amendment No. 1097—is before the Senate that may provoke another filibuster.

Excluding Sundays, there are only 15 more days left, including Christmas Day and New Year's Day, before Congress officially adjourns January 3; and unless some semblance of order and commonsense is soon restored we shall adjourn without having settled any of these questions.

Whether any or all of these filibusters or threats of filibusters materialize or whether they are mere rumors I do not know, but I do know that if there is no more basis for the various rumors than there is to the so-called threat of a filibuster against the guaranteed annual income plan they are groundless.

It is well known that I oppose the administration's guaranteed annual income plan and consider it to be one of the most misrepresented, misunderstood, and oversold legislative proposals that has ever been sent to Congress, but I am not afraid to debate it on its merits and let the Senate vote. I think the same should be true with respect to the other proposals before the Senate, whether I support them or whether other Senators support them; and it is with this thought in mind that I am submitting this unanimous-consent request.

Since I mentioned this earlier today I have had suggestions:

If you will eliminate from this agreement the conference report on the SST maybe I could agree.

Others have said:

If you will eliminate the proposal limiting the debate on the trade agreement we could agree.

Somebody else could agree if we eliminate the proposals relating to guaranteed annual income plan, or somebody else wants the elimination of something else from the agreement on time limitations.

The way I feel about it is that we all are going to have to recognize that this Congress is approaching the end of this session and that if we want to act on these measures we might just as well get started. I think all of us are going to have to yield at some point and allow our colleagues, as I think we should, to vote on these measures. If we do not have the votes to defeat them or pass them, then let the will of the Senate prevail.

It is for that reason that I shall ask the clerk to read parts 2, 3, and 4 of the proposed unanimous-consent agreement. Part No. 1 was agreed upon just a few minutes ago.

The question has been raised as to whether the time on committee amendments would also be limited to 1 or 2 hours, whatever the case may be. I want it clearly understood that this unanimous-consent request, as it is being presented, covers exactly what it says—all other amendments, whether they be committee amendments or amendments which will be offered from the floor. I am offering this in good faith, thinking that it will clear up the question. If we can get an agreement I think we can get down to work and perhaps adjourn Congress before the holidays or shortly thereafter.

I ask the clerk to read, for the information of the Senate, the agreement as it has been proposed and listed as items Nos. 2, 3, and 4.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The assistant legislative clerk read as follows:

PROPOSED UNANIMOUS-CONSENT AGREEMENT

2. H.R. 17550, Social Security Bill, Trade Bill, etc.:

(a) Time on Title 3 of the committee bill designated as trade amendments limited to 6 hours, equally divided and controlled by the Chairman of the committee for the proponents and by the opponents as designated by the Majority Leader.

(b) On the Ribicoff-Bennett amendment #1097, proposing a guaranteed annual income, time to be limited to 6 hours, equally divided between and controlled by sponsors of the amendment and the ranking minority member of the committee.

(c) Time on all other amendments to be limited to 2 hours, equally divided between sponsors of amendment and the Chairman. If the Chairman favors the amendment the time in opposition to be controlled by the ranking minority member.

(d) Time on final passage of H.R. 17550 to be limited to 6 hours, equally divided between and controlled by the Chairman for the proponents and the ranking minority member of the committee for the opposition.

3. H.R. 18306, to authorize an increase in United States' participation in certain international institutions:

(a) Time on any amendment to this bill limited to 1 hour to be equally divided between and controlled by sponsors of the amendment and the manager of the bill.

(b) Time on final passage of H.R. 18306 to be limited to 4 hours, equally divided between and controlled by the manager of the bill and the Senator of Tennessee, Mr. Gore.

4. On all conference reports now pending or to be submitted between now and the date of adjournment time on each conference report to be limited to 4 hours equally divided between and controlled by the manager of the conference report and the opposition as designated by the Majority Leader.

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

Mr. WILLIAMS of Delaware. I yield first to the majority leader.

Mr. MANSFIELD. Mr. President, I want to express my support for the proposal suggested by the distinguished senior Senator from Delaware. It offers a way by means of which the Senate could complete its work this session within a reasonable length of time. If something on this order is not adopted, I am afraid

the time of termination may well be noon on January 3, 1971.

Mr. WILLIAMS of Delaware. I thank the Senator.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. Mr. President, I cheer on the proposal of the distinguished Senator from Delaware. I agree with him and the distinguished majority leader that this is a fair and timely proposal. I hope it will be adopted.

I should like to make one notation as to something that appears in the statement, to be sure it is thoroughly understood that the administration does regard as one of its priorities the extension of the excise taxes on automobiles and telephones. Moreover, the administration is prepared, I am advised—and I am sure correctly advised—to have Congress act promptly, and this is a very good suggestion as a way to do it, on all the important matters pending before this Congress; and that includes the summation of the proposed time limits as suggested by the distinguished Senator from Delaware.

I am one who will assume no part of the responsibility for any undue delay here, and this is a good way to clear the decks.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, I object.

The PRESIDING OFFICER (Mr. GOLDWATER). Objection is heard.

Mr. MANSFIELD. Mr. President, the Senator from Delaware has not offered it. I thought it was just to be read at this time.

The PRESIDING OFFICER. The Chair asked whether there was objection to the unanimous-consent request. The Chair heard an objection from the back of the Chamber.

Mr. MANSFIELD. I understood that this proposal would be just read.

Mr. WILLIAMS of Delaware. Mr. President, I asked that it be read, not that it be agreed to. I said it was a suggested unanimous-consent request.

The PRESIDING OFFICER. The Chair will withhold the request.

Mr. WILLIAMS of Delaware. Mr. President, I withhold the request because I want to give Senators a chance to express their opinion at this time. I shall present the request, however.

Mr. BIBLE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, I agree wholeheartedly with the request of the Senator from Delaware. I happen to be the acting chairman of the Transportation Appropriation Subcommittee. What I thought would be a rather routine and noncontroversial conference on this bill developed a few problems and, it now appears, as we get closer to adjournment, that we have more problems. I would, therefore, hope that my distinguished friends who take a different view of one of the items—namely, the civil supersonic transport prototype program which is in the transportation appropriation bill—would agree with me that there has been sufficient talk, sufficient discussion, and sufficient public airing through every known media on both sides of the question. The bill has passed the House. We have had a conference on it. It is now ready to go forward. I recognize that some, in great sincerity and with great feeling, have different views on this one item in the transportation appropriation bill, and perhaps they may have different views on other items in the bill as well.

But I want to make it crystal clear, as the acting chairman of the Transportation Appropriations Subcommittee, that I am not going to bear the responsibility for having some Senators say, "You are delaying our going home for Christmas." I am not going to take that responsibility. I am willing to move within 4 hours, or within any enlargement of the 4 hours, for a vote on adoption of the conference report.

Mr. President, I want to make that very, very clear to the Senate. I am prepared to vote and I propose to call up the conference report on the Department of Transportation appropriation bill later in the day. I have done everything I could to try to work a way out of this difficult situation in which we find ourselves in the closing hours of this Congress. So I do agree with the proposal of the Senator from Delaware. I do, however, want to keep the RECORD straight on this matter. If this approach is not accepted—and I rather sense that it might not be—so that we can come to grips with the problem within a reasonable length of time, I want it known that the committee is not responsible for the delay.

I thank the distinguished Senator from Delaware for yielding to me.

Mr. WILLIAMS of Delaware. I want to thank the Senator from Nevada. I also want to say that I voted against this proposal before, and I may be voting against it again; but even though I may be on the losing side, I am willing to take the results, whatever the Senate decides.

Now, Mr. President, I yield to the Senator from Connecticut (Mr. RIBICOFF), and then I shall be happy to yield to the Senator from Michigan (Mr. GRIFFIN).

Mr. RIBICOFF. Mr. President, I want to take this opportunity to commend the Senator from Delaware. One of the items is H.R. 17550 involving increases in benefits under social security.

It is to be sincerely hoped that when we go home at this time of the year, 20 million Americans will receive substantial benefits and increases in social security payments to 10 percent, with minimum payments of $100 a month. We are raising the benefits to some 3 million people who are aged, blind, and infirm. We are also seeking to take care of some 14 million Americans who are below the poverty line.

While I especially commend the distinguished Senator from Delaware, as a member of the Finance Committee, I know how opposed he is to the family assistance program, which has been before the people of this country for some 14 to 15 months. I believe that the Senate should have an opportunity to vote on this most controversial measure.

The majority and minority leaders, and the chairman of the Finance Committee, have indicated on numerous occasions that they, too, believe the Senate should have the opportunity to vote on this proposal.

I think it would be quite heartless for all of us to keep on talking and droning on here and depriving millions of the aged, the blind, and the infirm of the benefits that they should receive. It is a situation that should not be allowed to exist.

The Senator from Delaware is really violently opposed to the President's family assistance program and has been consistently opposed to it. I do not believe there is another man in this Chamber who, if he wanted to delay the Senate further, does not possess more "tricks of the trade" to delay a vote; yet he has stated on many occasions that he is willing to afford discussion and allow the Senate to vote on the measure, as the House has voted on it.

The Senator from Delaware has proposed to all of us a very fair proposal. There is more than ample time to have complete and full debate and discussion on all these controversial measures. I would hope that we in this body would take that into account. It would seem strange at this Christmas time, when we are celebrating Christmas and are talking about compassion for those who may be less fortunate than we are, to deprive 20 million Americans of the social security increases which they so desperately need at this time.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Connecticut. As a member of the committee I agree that this delay cannot be attributed to those of us who may have opposed some sections of the bill, because over the months in which the bill has been before the committee it has been largely the four or five of us who did not agree with some of the items who maintained a committee quorum. It would have been a simple matter for us to have stopped the committee meeting any time during a Senate session had we wanted to do that. The delay has been caused by the administration which has been changing this plan about every time the moon changed. They were coming up here with changes all the time. I would have preferred having a little more debate on the subject—I shall be honest about it—in order to expand on some of the dangerous points in the bill, but there has got to be a meeting of the minds. Some of those who dislike the trade bill seem to be willing to accept a 6-hour limitation and I think we should go that long. I hope we can reach agreement.

I agree fully with what the Senator from Connecticut has said about some of the great benefits in the social security bill. He omitted one point, though; and that is, that the bill also carries the largest payroll tax increase for the wage earners of America that has ever been approved by any committee in the history of Congress. I would like for them to have the benefit of the knowledge that in the bill which has some Christmas gifts for them there are a few "sneakers";

namely, that after the Christmas holidays the wage earners of America are going to have to pay the largest payroll tax increase ever voted by any committee in the history of Congress. That point should also be emphasized.

Mr. President, I now yield to the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, let me indicate my strong support for the commendable effort now being made by the distinguished Senator from Delaware (Mr. WILLIAMS) to bring some order out of chaos in this body.

I believe his proposal has a great deal of merit. I can understand that an individual Senator might take issue with the number of hours allotted in his proposal and might want to request or suggest a modification to allow additional time for particular issues. But I cannot quite imagine any individual Senator taking upon himself the awesome and the awful responsibility of objecting and completely blocking this effort.

I think we keep in mind that we have a great responsibility as Members of the 91st Congress to finish our work. We have a responsibility to the 92d Congress. Some of us will be Members of the 92d Congress and some of us will not. The work we do not finish in this session, of course, will be left to those who make up the new Congress in January. I should think we would want to complete our work, that we would want to face up to our responsibilities as Members of the 91st Congress and do our job.

Accordingly, I hope there will be no objection to the unanimous consent request of the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. While this request does contain a certain number of hours I could be flexible as far as the hours are concerned within reasonable limits if we could get an overall agreement on the request.

Mr. President, I yield now to the Senator from New York and shall then yield to the Senator from Louisiana, the chairman of the committee.

Mr. JAVITS. Mr. President, first I join with my colleagues in approving the raising of this issue by the Senator from Delaware and trying to get somewhere with it.

I think that the Senator from Delaware has put us all in his debt for doing so. However, I do not believe this is the moment to press the matter.

I think that there are Senators who are brave enough, if they think the interest of the country deserves such action, to object. They probably will object, including myself.

I say that because this is the kind of thing which one needs to take a few minutes or an hour to consider.

I heard nothing mentioned in the unanimous-consent request about amendments to an amendment. I heard nothing mentioned in the unanimous-consent request about germaneness.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JAVITS. I am not quite through, if the Senator would let me complete my thought.

There are two kinds of filibusters. There is a filibuster to death. Then there is the filibuster—if one wants to call it that—in an honest effort to deal with a very difficult and hard to understand situation in the interests of the Nation.

I consider that the debate on the trade bill will sever in a very damaging way to our country the policy of the country which we have pursued for 25 years. We might have 6 hours of debate. We know what those 6 hours mean. They mean very little interest on the part of the country.

We did not put the trade bill, the social security bill, the medicare, the medicaid, the trade bill, and the family assistance plan all in one bill. It is an unheard of situation. We would be suckers indeed if we fell for that.

They deserve the mature consideration of the Senate. We certainly will not be overwhelmed by the fact that they are to be considered together.

The Senator from Connecticut knows that I would be the first to vote for social security. We want to pass a social security bill. Even if we pass it in February, we would make it retroactive to January 1. The 20 millions of Americans that are involved would lose nothing. However, the country might lose something because of the fact that these measures were all lumped together.

We ought to have an opportunity to look at this. This is a matter that is critically important to many of us.

I would like to work out a unanimous-consent agreement if it can be done with justice to all.

Many Senators want to deal with this matter with the highest interests of our country in mind. I will not be rushed into it on the excitement of the moment, because we might have to change some very bad work in the years to come and suffer very heavily because of it.

I urge the Senator from Delaware not to make his request at this time. If he does, it will be objected to. I urge the Senator to give us an opportunity to have a look at his handiwork and see if in some way we can contrive a unanimous-consent agreement on the part of those of us who have no desire to talk any measure to death but want a reasonable opportunity to express our desires.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from New York. I can understand his purpose. I voted against attaching the trade bill to the social security bill. However, the majority of the committee voted to attach it; and I respect the rights of the majority to so act, and I respect the rights of the Senators who voted for it.

I agree fully with the Senator. It is not a good practice to attach these riders to a bill.

I am glad to know that he will join in objecting to the family assistance plan being attached to the bill. That, too, is being proposed as a rider to the bill. I shall be with him in fighting both attempts. We will be back to back in fighting this.

I know the real definition of a filibuster. I have learned that in 24 years. It is an extended argument when the other fellow is speaking against your position; however, if the other Senator is speaking on your side of the argument it is a method of educating the Senate.

I hope that we can arrive at an agreement. I appreciate the comments of the Senator.

I now yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I commend the Senator from Delaware for his statesmanship in taking this position. No Member of the Senate and no Member of Congress more firmly and steadfastly and in better conscience opposed the family assistance plan than did the Senator from Delaware.

If we do not take the Senator up on his proposition, the family assistance plan will not have the chance of a snowball in hell of passing Congress.

The Senator is proposing in his proposition that that can be brought to a vote and if that be the majority will of the Senate, the measure can pass this body.

In my judgment, the Senator from Delaware is being very statesmanlike in making that proposition.

If the offer is declined, then the family assistance plan will never come to a vote.

The Senator from Delaware has been asked about amendments to an amendment. The Senator knows as well as I do that they are subject to a motion to table. If a majority is in favor of an amendment, that affords an opportunity to bring it to a vote. If a majority is opposed to an amendment, it can be disposed of by a motion to table and pushed aside.

If the Senator insists on bringing it up at this time, it will be objected to. I submit to the Senator from Delaware that as far as I am concerned I would be willing to agree to this. There are some things that I do not agree with. But it is all right with me for the Senate to vote.

The Senator from Delaware has opposed more diligently and courageously this measure than any other Member of Congress. He is willing that the matter come to a vote. The Senator is willing to have the Senate vote on other business on which the people of the country are entitled to have an answer. I salute him for it and I support his unanimous-consent request.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. The Senator knows that I objected to some of these measures very strenuously. I do not think I have a right to insist on my position alone. I am willing to abide by the decision of the majority. I shall present my arguments, pointing out why I think I am right. I hope that the Senators will listen to these arguments with open minds and then make a decision. That is the system under which we operate. I am perfectly willing to abide by the decision.

Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator was present when we worked out a unanimous-consent agreement with the Senator from Alaska. We are expected to vote at 2:30 on the pending

amendment and to vote on the pending bill at 3 o'clock.

In view of the fear of many Senators here at the moment that the request will not be granted—that does not mean that it will be turned down later—the Senator from New York very properly made his observations. I think that the Senator from Alaska and others are at least entitled to the remaining 10 minutes to explain what the next vote will be at 2:30. When that is out of the way, the bill itself will not require much time.

I do think the Senator from Alaska and I should be allowed the time between now and 2:30 to explain the amendment. The request will not be agreed to at the moment.

Mr. WILLIAMS of Delaware. Mr. President, I am willing to present the request at this time. I differ with the Senator from Arkansas as to the results. I am optimistic. I would like to believe that in the kindness of the heart of all Senators they will agree to this request.

I present that request as a package and ask unanimous consent that it be considered by the Senate.

Mr. PROXMIRE. I object.

Mr. FULBRIGHT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. Mr. President, we have only 10 minutes. I will say only a few words and then yield to the Senator from Alaska.

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

Mr. FULBRIGHT. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized immediately after the vote on the bill.

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

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

UNITED STATES SHOULD NOT FINANCE THE CAMBODIAN CONFLICT

Mr. McGOVERN. Mr. President, I strongly support the amendment by the Senator from Alaska (Mr. GRAVEL) to eliminate the supplemental payment of $155 million to finance the continuing bloodshed in Cambodia. We have already inflicted enough suffering on this little country by invading it, by bombing it, and by financing marauding South Vietnamese forces who have raped and pillaged their way across the Cambodian countryside.

It is a fact that organized Cambodian forces are now challenging the other Cambodian forces which we are financing. Our bombers are rapidly turning the Cambodian peasantry against us and against the Cambodian regime just as they have turned the Vietnamese people against us. When will we learn that sending the people of Asia guns and money with which to kill each other is a stupid and immoral act? When will we learn that such games in blood and money sooner or later will involve us more deeply in the affairs of the Asian people at enormous cost to both us and them.

The case against military aid to Cambodia and other similar follies was well stated by Edward F. Snyder in testimony before the House Foreign Affairs Committee on December 2, 1970. I ask unanimous consent that Mr. Snyder's testimony on behalf of the Friends Committee on national legislation, and a statement I made on the Senate floor on August 11, 1970, entitled "The Cambodian Tragedy," be printed in the RECORD.

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

TESTIMONY OF EDWARD F. SNYDER

My name is Edward F. Snyder. I am executive secretary of the Friends Committee on National Legislation, 245 Second Street, N.E., Washington, D.C. This is a Quaker committee composed of representatives appointed by most of the Friends' bodies in the United States. It seeks to apply the traditional Quaker testimonies of peace and human justice to the circumstances of our modern age. But because of the democratic organization of the Society of Friends and its traditions, the Friends Committee on National Legislation does not purport to speak for all Friends.

We are glad to have the opportunity to testify on H.R. 19845—the proposed supplemental authorization request for $535 million for military and other assistance for Asia and the Middle East. We believe this is a most significant bill because it is the first time that the Congress has had a chance in detail to consider a money request for the further extension of the war into Cambodia, and to consider in more detail the basic outlines of the "Nixon Doctrine." We appreciate the opportunity to make a few comments on these and other subjects.

SUPPORT FOR REFORMS SUGGESTED BY PRESIDENT NIXON IN FOREIGN ASSISTANCE MESSAGE

Before commenting directly on the pending legislation, I would like to note four items which appear in President Nixon's message concerning the outlines of the Foreign Assistance Program. I do this because I believe the message which the President sent to the Congress on September 15, 1970 is related to the pending request and I would not want our opposition to the pending request to suggest that we do not support other proposals which the President has made which we feel are constructive in the field of development assistance. For example, we strongly support these particular reforms which the President proposed September 15:

"The U.S. should channel an increasing share of its development assistance through the multilateral institutions as rapidly as practicable."

"Our remaining bilateral assistance should be provided largely within a framework established by the international institutions."

"To add a new dimension to the international aid effort insuring a more permanent and enduring source of funds for the low income countries, I have recently proposed that all nations enter into a treaty which would permit utilization of vast resources of the seabeds to promote economic development."

"I propose that we move promptly toward initiation of a system of tariff preferences for the exports of manufactured products of the lower income countries in the markets of all the industrialized countries."

We also note that President Nixon stated in his message of November 18 on the pending legislation that:

"Since I took office, we have already lowered our military presence abroad:

Already, 68 installations abroad have been closed, and 44 more have been reduced.

By next spring, under present plans, the total number of American military personnel overseas will be at least 300,000 below the number that were abroad in January of 1969."

NEITHER BLOOD NOR MONEY

We welcome these favorable proposals and developments. But it is our reluctant conclusion that the basic American policy in the world remains on the same disastrous course which has resulted in the current, highly expensive and extremely dangerous arms race among the great powers, supplemented by local and regional arms races, which intermittently dare into open warfare at various points around the world.

In many ways the Nixon Doctrine appears to have returned to the policies of the '50s that led to the Vietnam War in the '60s. This does not appear to us to be a new proposal but rather merely another phase of an old and deadly cycle. It appears that over the course of time, the wheel has turned from the bloodshed of the Korean War, to the emphasis on foreign military aid in the late '50s and early '60s, which led to the bloodshed of Americans, Vietnamese, Cambodians, and Laotians of the late '60s and early '70s in Indochina. We do not believe that a reduction of American casualties now, with a new infusion of American money will end this deadly cycle. Nor will it end the war for the peoples of Indochina. Without a basic change in policy we expect the new money proposed in this bill and other monies to carry out the Nixon Doctrine will lead to more American bloodshed again at a later time, in the same or other places.

We do not see as choice, as some do, between "blood" and "money." Rather, the two are integrally related. At one time more blood may be required; at another time more money may be required. We want to see our government adopt policies which will require neither blood nor money in order to bring peace.

Perhaps I can highlight the different approach which we would like to suggest by commenting briefly on the leading sentence of the Presidential Message concerning the proposed supplemental appropriation. That sentence reads: "In today's world, peace is synonymous with the strength of America and her friends." This is an illuminating statement, for it indicates the basic assumption upon which this request rests.

Frankly, I would have thought that peace in today's world was based more on cooperation, shared goals by the world's nations, a devotion to non-violent ways of settling disputes, the creation of third party judgement through international courts, the growth of international institutions such as the United Nations and its related agencies, the rapid progress through arms limitations to world disarmament, and major efforts to close the enormous gap between the "have" and "have-not" nations in the world and within individual nations. To say that peace depends on American strength suggests a peace of the master-slave relationship. Or it suggests the current balance of power struggle, which has been termed also the balance of terror, which is a highly competitive, highly dangerous arms race among the world's great powers. This is also, in our view, an inherently unstable basis on which to construct world peace.

CAMBODIA

As members of this Committee are aware, the dollar amounts in the bill before you need to be viewed from the perspective of the poor recipient nations as well as the affluent United States. The sums appropriated by Congress have a much greater impact in the developing countries than we would normally appreciate because these countries have scarce resources and a smaller gross na-

tional product. Thus the $255 million set aside for Cambodia is approximately equal to the total annual expenditures of the Cambodian Government and is more than 25% of the entire gross national product of that country.

There are several basic questions with regard to the deepening American involvement in Cambodia that seem relevant.

(1) What assurance is there that we are not on the same old treadmill which leads from money to advisors to troops, as it has in Vietnam? The history of the past ten years should lead to a rather healthy skepticism by Members of Congress when Administration officials say "there are no military forces or advisors in Cambodia nor do we intend to send any." It is now admitted that the United States is playing a very heavy role through its military forces in the air over Cambodia, and that American planes have been brought down far in the Cambodian interior. The newspapers this week report increasing pressures on the capital of Phnom Penh to cut off highways access and to strangle the city's supply lines. If Phnom Penh is in danger, and the Lon Nol Government is in desperate straits, and South Vietnamese troops are unable to stem the tide, does this Committee have any real assurance that American troops will not be sent to Cambodia again to prevent the Lon Nol Government from falling? The authorization of this kind of money deepens our commitment to that government and makes U.S. military intervention much more likely. One important evidence of the extent of American involvement is the size of the U.S. civilian "advisor" establishment in the country, and its activities. We hope this Committee will be kept closely informed about the activities of Americans in Cambodia.

(2) What is the political and security situation inside Cambodia? Administration officials have pointed to the "high degree of national unity" in Cambodia. My impression from spending two weeks in Cambodia in mid-May as South Vietnamese and American troops poured across the borders, and from information received since, does not accord with that. The Lon Nol Government controls the city of Phnom Penh and some highways and areas leading out of it to the west, plus some areas in the west and north around the Tonle Sap lake. But Cambodian officials have conceded that the government has lost control of more than half the countryside. And they have admitted that organized Cambodian forces are fighting against government troops. In the countryside the highly apolitical peasantry is reportedly beginning to take sides against the government. One of the strong contributing factors for this, as in Vietnam and Laos, is the impact of aerial bombardment by Americans and others which is seen as a hostile and potentially deadly threat to the Cambodian peasant and his family. There is in fact a developing civil war in Cambodia with the Lon Nol Government on one side and its opponents on the other, many committed to Prince Sihanouk.

(3) What happens to Cambodia if Vietnamization is successful? U.S. involvement in Cambodia has been justified largely in terms of the Vietnamization program. Little thought seems to have been given to Cambodia itself, which is regarded as something of an adjunct of the Vietnam war, where the spigot of supplies to the Delta is turned off. But suppose for a moment that the Vietnamization program is successful. Cambodia is left a divided, war torn country, where troops from Saigon and Hanoi with their respective Cambodian supporters wage continual war, and the Vietnamization program is in constant danger of being undermined. If Vietnamization is successful, isn't this Committee likely then to be asked to approve money and perhaps men for a "Cambodianization" program? Can the U.S., if it goes down this road, avoid "a military commitment to the Cambodian Government" which Secretary Rogers promised this Committee last week to avoid?

Considering the decisions made in haste which have been repented at leisure concerning Vietnam, we hope this Committee will take an adequate amount of time to consider fully the ramifications of this request.

In my view, the only hope for peace in Vietnam, Cambodia and Laos is a negotiated settlement that gives up the goal of an anti-Communist government in Saigon or Phnom Penh or Vientiane, and accepts a nonaligned solution with governments in which all groups in the various countries can participate. The road of military aid, advisors, and troops leads only to more bloodshed and endless war in Indochina with all the tragedy that entails for the people of that unhappy region.

KOREA

This Committee is being asked to authorize $150 million in military assistance grants to begin modernization of the Korean forces. You are also being asked to approve the transfer of surplus equipment to South Korea—equipment which has been variously valued at $750 million and which will become available when some 20,000 U.S. troops are pulled out.

There is no public indication as to what modernization of the Korean forces will eventually cost, or when, if ever, all American troops may be withdrawn, or military aid cease.[1] According to Lt. Gen. R. H. Warren, Dept. Assistant Secretary of Defense for Military Assistance and Sales, Korea "probably will continue to be for some time a recipient of large military grant aid from the United States." Secretary Rogers told the Senate Appropriations Committee in September that the U.S. has no current plans for further troop reductions in South Korea. After Korean forces are modernized, he said, "we will take a look at it . . . If we are not fearful of an attack and it does not lead to an unstable situation, we will consider the matter further at that time."

But what kind of "stabilization" is the U.S. action going to bring? What kind of stabilization or conciliation is current U.S. action promoting?

South Korea's forces total 645,000—compared to 413,000 in the North Korea services, who the Administration claims are better equipped with modern Soviet arms. According to the Stockholm International Peace Research Institute Yearbook for 1969/70, "There has been a dramatic increase in arms supplies to the Far East. These come primarily from the United States. Taiwan and South Korea account together for more than 80 percent of the arms imports to the Far East in 1969. There has been a massive inflow of very sophisticated equipment to both of these countries." SIPRI also says that "In 1969, U.S. arms supplies to Far Eastern countries—particularly Taiwan and South Korea—were higher than in any year since the mid-fifties. Supplies from the Soviet Union in 1969 were probably lower than in the two previous years."

In addition to equipment, the Administration has pointed out that a substantial part of U.S. aid to South Korea is going for "operations and maintenance." This raises the question as to how much U.S. taxpayers, as compared with Korean taxpayers, are paying for the day to day operations of the South Korean armed forces and how long U.S. subsidies for this kind of regular running expense will continue.

[1] The United States has already given massive aid to South Korea: some $3.2 billion of military aid was allocated to that area during fiscal 1953 through 1969. U.S. troops spent another $2 billion there. The U.S. troop commitment has held steady at about 63,000 over the past four to five years. Economic aid totals more than $4 billion.

The pernicious effect of this and other continued U.S. military aid is that it is a very large, open ended, seemingly endless commitment by the U.S. The South Koreans pay a heavy psychological cost in terms of dependence on the United States, and have little or no encouragement to reach a peaceful settlement. If the U.S. goal is to reduce tension in Korea and U.S. troops and military spending there, it might support an international embargo on arms to North and South Korea. Administration spokesmen said in March that both sides "are dependent on outside sources for support," (Gen. Earle G. Wheeler) and that "overall, neither of the two opposing Korean forces has a decisive edge in its capability to conduct a sustained offensive operation." (Gen. R. H. Warren.) Simultaneously it would be quite appropriate for the U.S. to support observer status at the UN for North Korea as it has for South Korea. Taken with other steps this could be a more lasting way to peace.

INDONESIA

We note that this bill authorizes $13 million additional military funds for Indonesia bringing the U.S. total to that country for fiscal 1971 to $18 million. As is well known, U.S. business and commercial interests are moving into Indonesia in significant numbers in oil exploration, mining, timber, banking, etc. Indonesia's geographical size, its more than 110 million people, its strategic location and rich resources make it a crucially important country. Whether it will become a pawn or battleground for big power conflict or a leader of a peaceful, cooperative group of nations will depend in considerable measure on the wisdom of U.S. policy in the region. The more than three fold increase in military aid to Indonesia this year is a warning that we may once again be starting down the road to a major military commitment in Southeast Asia.

SOME QUESTIONS ABOUT THE NIXON DOCTRINE

1. What are some of the basic assumptions of the Nixon Doctrine?

Peace in Asia in the years to come will depend in considerable measure on the relationship between the U.S. and the Peoples' Republic of China. One approach to building peace in Asia would be to strive for rapprochement between China and the United States with increasing travel and trade between the two countries, establishment of diplomatic relations, and with China a member of the United Nations.

There have been a few hopeful gestures by the Administration in this direction. But they seem to be undercut in large measure by the thrust of the Nixon Doctrine. One of the underlying assumptions of that Doctrine in Asia seems to be that peace in Asia depends on building a counter-force to China among the nations on its periphery with the United States supplying the money and guns.

The prospect of continued cold and sometimes hot war in Asia on into an indefinite future is not a happy one, especialy for the people. Such a policy suggests continued U.S. involvement through open and clandestine activities in most of the countries of the region, the building up of factions favorable to the U.S. to counter factions favorable to China, coups, counter-coups, assassinations, insurgencies, and civil wars as these still fragile nations become a battleground for the major powers.

Is the Nixon Doctrine only the latest version of the containment of China policy, which contributed to our present disastrous situation in Indochina and contains the seeds of future Vietnams?

2. What assurance does the United States have that the recipients will use our military aid for purposes we intend?

Money, guns, ammunition and military equipment can be and have been used internally to suppress dissent and popular uprisings. It is clear that we have, through these means, supported actions which are

abhorrent to the democratic principle on which this nation was founded, as for example in South Vietnam and Brazil.

Externally, as Committee members know, U.S. arms have also been used to carry out private quarrels with neighboring countries and used to stoke regional arms races, as with India and Pakistan, and in the Mid-East, and Latin America. In Southeast Asia there are sufficient long standing disputes which, with arms available and restraint lacking, could break into open hostilities. Vietnamese and Thais have claims on Cambodia, and vice versa. The Philippines and Malaysia have quarreled over Sabah. The days of confrontation between Indonesia and Singapore-Malaysia have only recently passed.

3. What will be the overall results of a U.S. policy to spread arms throughout the world?

The United States is the world's largest arms merchant distributing more than $2 billion in weapons per year to some 70 countries. The record indicates that the United States has from 1950–1969 dispensed more than $48 billion worth of arms throughout the world. In addition there is $17 billion (at acquisition value) in excess defense stocks available now for use under the military assistance program. The breakdown of the $48 billion is as follows:

Military assistance grants	$34,778,100,000
Foreign military sales	12,128,000,000
Deliveries of excess defense articles	1,785,800,000

Behind these figures are some basic questions. The Arms Control and Disarmament Agency reports that the military budgets of the small countries seem to be growing at a rate twice as fast as the world total. Military spending in the developing countries has been increasing while economic standards of living have improved little in the last six years. Is the United States by its military aid and sales program contributing substantially to the diversion of resources in these countries from socially useful purposes to war?

Furthermore, this tremendous flow of resources and power to the military establishment in these countries often creates a fundamentally new alignment of power in society. Very often a new military elite is created at the expense of the traditional society, at the expense of educational, academic and scientific groups, at the expense of labor and of the commercial interests and the middle class. If, as often happens, these military interests align themselves with a narrow economic and political elite at the top, the stage is set for growing popular dissatisfaction and unrest which may culminate in guerrilla warfare and possible U.S. intervention.

4. Does the Nixon Doctrine extend U.S. commitments far beyond any contemplated in present Treaty arrangements?

This collateral, but potentially crucial, question is raised by the Nixon Doctrine's reference to nuclear weapons:

"We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, *or of a nation whose survival we consider vital to our security and the security of the region as a whole.*"

While one can understand, without necessarily agreeing with the concept of a "shield" for nations with which we have military treaties, the underlined portion adds a completely open ended commitment in an area of crucial importance to the wellbeing of our nation and the world. The language suggests that in the future the President and his close advisors could decide which nations are considered vital to our security in a nuclear context, without any guarantee that Congress will be involved in that decision at all. There has been very little comment of which we are aware in the Congress on this provision. Does this mean Congress has abdicated its participation in what could be a decision of absolutely prime importance to the nation? Or does it mean that there is an understanding as to nations, or procedures to identify those nations, of which the public in general is unaware?

ALTERNATIVES

For two years, 1967–1969, I had the experience of directing Quaker International Conferences in Southeast Asia, headquartered in Singapore. We conducted five conferences for young Asian leaders, diplomats and others; two in Malaysia, one each in Singapore, Indonesia and Cambodia. These conferences of 8 to 14 days in length brought together participants from diverse national, racial, religious and ideological backgrounds to hear challenging consultants, to participate in small group discussions and to enjoy fellowship.

In one of our meetings the subject was "Advancing Peace and Security in Southeast Asia." Other meetings also touched on this issue.

Out of this experience with Southeast Asians has grown a conviction that if we would listen to the priorities and hopes and convictions of young leaders in Asia we might construct a truly new U.S. policy in Asia which would have a better chance than the present one of bringing the era of peace that all men yearn for.

Four important elements were most often listed by these young leaders:

1. Internal Reform—There is general assent that the first priority for national security is to establish a sound, progressive, honest government dedicated to economic development, social justice and internal reform.

The assumption here is that the major threats facing the nations of Southeast Asia come not from armies across the borders but from internal subversion fed by justifiable grievances and failure of existing government policies. Therefore preventive action is essential to stop subversion and revolution. Jobs must be created, economic and social development must advance, the people must be able to see their daily lot improving, and feel they have a stake in the present society.

The United States could do much through fair and sensitive developmental assistance and trade policies to support those leaders who seek to emphasize security through internal reform and economic development.

2. Nonalignment—There is a definite trend toward political and military nonalignment in Southeast Asia, with nations seeking trade, assistance and friendly relations with all countries. The desire is to maximize the number of friends and minimize the number of enemies. It is often felt that danger lies in concentrating too much of one's expectations or policies in one large nation, thus incurring the enmity of another big power. The magnitude of destruction resulting from U.S. military action in South Vietnam has itself raised questions as to whether any government is justified in inviting that kind of devastation upon its people, and there is also growing wariness of big power actions and motives.

As citizens of a nation which pursued a policy of nonalignment for over a hundred years after its founding, we should be able to understand the desire of these developing countries to avoid external entanglements and concentrate on their internal developmental problems. As a part of our foreign policy we could actively encourage and support a policy of nonalignment for developing nations especially in areas adjacent to big powers.

3. Regional Cooperation—There is large and growing interest in regional cooperation and regional institutions. The nations of Southeast Asia view themselves as small and weak, politically, economically and militarily standing alone. Therefore it is essential for them to band together in some sort of united action. But it is also clear that there is much fuzzy thinking and many mixed motives surrounding proposals for regionalism.

Some of the most constructive programs in Southeast Asia are those for regional economic and social cooperation as in the UN Economic Commission for Asia and the Far East (ECAFE), the Columbo Plan and the Asian Development Bank.

On the other hand, the regional organizations with a political and potentially military character tend to be viewed skeptically. SEATO (Southeast Asian Treaty Organization) has not been seen as a viable organization since its members failed to unite over the Vietnam war. ASPAC (Asian and Pacific Council) has had an internal struggle over whether it would assume an anti-Communist, anti-Chinese stance or take an economic, political and social development role. ASEAN (Association of Southeast Asian Nations) has also had an internal struggle along these lines, though with fewer forces pulling it towards a military-political alliance.

The U.S. attitude towards these organizations is very important because of our immense economic and military power. Since there is general unanimity in the region on the imperative need for economic development, and a great division of opinion regarding a stance toward China, those regional institutions which are motivated by a desire to achieve economic advancement would seem to have a much brighter future than those which offer a political-military buffer against China. This suggests that regional organizations, as well as individual nations, may benefit most from a nonaligned position.

4. U.S.-China Detente—It is often said by Southeast Asians that, because of their tangled history, recent nationhood and varied ethnic, language and religious backgrounds they are easy prey to the big powers. These people suggest that there will always be factions within any country willing to join with one major power or another for ideological, financial or other motives. There is therefore little that can be done to prevent embroilment in big power conflicts in the area.

In these circumstances, it is argued that the only real hope for peace and stability is rapprochement between the region's major powers, in this case primarily the United States, the Peoples' Republic of China, and to a lesser extent the Soviet Union. While this may be extremely difficult, especially with the Taiwan situation unresolved, it offers the best hope for regional tranquility, they believe. If the United States, the Peoples' Republic of China, the USSR could improve their relations, conflicts could be moved from the battlefields and the streets to the diplomatic, political and economic level.

I believe that these four points, made so often by Southeast Asian leaders in our Conferences and Seminars, form the basis for a viable alternative to proposals such as the Nixon Doctrine and the containment of China.

Policies such as these which grow out of the expressed desires, concerns and priorities of the people of the region constitute true internationalism which is neither isolationist nor interventionist, and which holds out a better prospect for peace than the course we are now pursuing.

THE CAMBODIAN TRAGEDY

(By Senator GEORGE MCGOVERN)

Mr. President, there are two basic points I want to make today about the invasion of Cambodia by American and South Vietnamese troops last spring and the events which have followed. *First*, the Nixon Administration is deceiving the American people in claiming an important military victory in Cambodia that will shorten the war in Indochina. *Second*, it is a betrayal of the humanitarian principles of the American

people for us to disrupt or destroy the lives of the people of little Cambodia to serve some dubious tactical purpose of our own in the country next door. The destructive impact of the invasion on the Cambodian people and the continued pillage by South Vietnamese forces and American bombers is a moral and political disaster.

We are being sold a malodorous bill of goods under a false label and at a price none of us would wish to pay.

The full costs remain to be assessed. But the grim tabulations of American lives lost and mangled in Cambodia—scrupulously left out of the proud accounting of captured booty—reveal 339 dead; 1,501 wounded. And neutral Cambodia, the unwilling but relatively undisturbed host for small Communist sanctuaries on its border a few months back, now finds some two-thirds of its territory held or contested by Communist forces. Vietcong forces, once confined to small border areas, are now shelling the capital.

The venture into Cambodia has been described as a military success. Even some of its critics have begrudgingly accepted that assessment, perhaps in the charitable hope of averting embarrassment for the President.

But it is now becoming clear that the invasion was a military and political blunder. It saved no American lives; it cost American lives. It saved no Cambodian lives; it cost Cambodian lives and is making that little country and its gentle, amiable people the suffering pawns of a war they neither understand nor support.

Consider the terrific costs to Cambodia. There appear on that land now the same scars—from the heavy bombardment of American and Vietnamese warplanes—that have disfigured South Vietnam. Peaceful rural villages are disrupted. Civilians die by firepower which cannot distinguish between enemy and innocent.

A report to the *New York Times* in early July is illustrative. Correspondent Sydney H. Schanberg told of Cambodian women being forced to strip by South Vietnamese soldiers in order to get at any jewelry that had been hidden in their clothes. Quoting directly from his account:

"In Prey Koth, where most of the villagers were robbed of their meager savings and valuables, there were 33 thatch houses. Twenty-eight were sacked by the South Vietnamese.

" 'Please help us,' an old farmer pleaded with a Western visitor. 'Please do everything you can to stop this from happening to us again.' "

Note that this punishment is not inflicted under any pretense that "it's for their own good" as we have maintained in South Vietnam. It is happening simply because the Cambodians got in the way of our war in Vietnam. Just as Vietnam was pressed into service as the battlefield for our misguided and counterproductive effort to contain Asian Communism, Cambodia is now being pummelled with destruction because we believe it is in our interest to exact this sacrifice from innocent peoples. The Cambodians who suffer now do so for a single reason—we impose destruction upon them because we think it may help in our effort to strengthen the hold of the Thieu-Ky Government upon the Vietnamese.

And what have been the gains to the United States of all of this? Have we achieved the objectives announced by the President when he explained last spring why we were invading Cambodia? We have neither found nor destroyed the Communist central headquarters which the President said was a basic objective of the invasion. Neither have we ended the threat of Communist sanctuaries in Cambodia. Rather, the Communist forces previously confined to a border strip have now fanned out across most of Cambodia.

We captured a few tons of rice, but that is easily replenished from the rich Cambodian harvest. Boasting of captured rice in a rice-surplus area such as Cambodia is so ridiculous that it can only reveal how really desperate the President was to find some reason, however superficial, to justify a mistaken venture.

The President has made much over the capture of arms and ammunition. But the enemy in South Vietnam was armed prior to the invasion and it is still armed. If what we captured would last them six to eight months, as advertised, then they will continue fully equipped because according to American commanders in the field, we captured only 30 to 50 percent of their surplus stocks stored there. Moreover, they probably placed little reliance on the obsolete weapons we carted back. Only 2,000 of the 15,251 individual weapons captured were of the AK–47 model currently in use. And in any case, the weapons, too, can be replenished and the enemy has plenty of time.

The assertion that we should be encouraged by the results of the invasion because it illustrated the ambition and competence of the South Vietnamese army and improved their morale is incredible. If they needed battle testing, there has certainly been ample opportunity to engage the enemy in their own country. If they were competent, they would not need sideshows next door to prove it. The only unique information about ARVN coming out of Cambodia is that they enjoy fighting where they are not strongly contested and that they have a disturbing tendenoy to act like a Twelfth Century conquering army toward the people they "liberate"—looting villages, assaulting women, and mistreating the civilian population. I don't find that encouraging. I find it appalling, particularly since South Vietnamese still operating in Cambodia no longer have with them the restraining influence of American troops. Any Southeast Asian observer has known of the long-standing enmity between the Cambodians and the Vietnamese which adds a serious complication to our "unleashing" of South Vietnamese forces in the Cambodian countryside. From the standpoint of Cambodia, the sequence of events beginning with the replacement of Prince Sihanouk by Lon Nol followed by the American and South Vietnamese invasion—was a national catastrophe that is tearing the little country apart.

But let us return to the beginning, recalling that the seizure of weapons and the elevation of ARVN morale were *post facto* reasons for the invasion.

In his April 20 announcement on troop withdrawals, the President gave no hint of concern about Cambodia. He said:

"We finally have in sight the just peace we are seeking. We can now say with confidence that pacification is succeeding We can now say with confidence that the South Vietnamese can develop the capability for their own defense. And we can say with confidence that all American combat forces will be withdrawn."

Secretary of State Rogers reassured the House Armed Services Appropriations Subcommittee on this specific issue on April twenty-third, in a statement he subsequently expunged from the record:

"We have no incentive to escalate. Our whole incentive is to deescalate. We recognize that if we escalate and get involved in Cambodia, that our whole program is defeated." And he told the Subcommittee that no ground forces would be sent to Cambodia.

Just one week later, the invasion was launched. Only two groups were forewarned. An assortment of Legion and VFW officials and retired officers knew about it because the President told them. The North Vietnamese and Vietcong knew about it because they saw it coming. But the Congress—the elected representatives of the American people—could not be trusted or consulted; not even with the committees with jurisdiction over military and foreign affairs.

The President said on April 30, in announcing the reasons for the Cambodian invasion:

"Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam."

But there was no enemy "Pentagon" and it was not attacked. The most permanent and least mobile installation captured was a laundry, hardly an essential element of command. In fact, the *New York Times* had earlier reported on April fourth that the enemy headquarters had been moved out of Cambodia and into South Vietnam.

Official pronouncements quickly dropped the capture of COSVN as the purpose of the assault. But the deception did not stop, nor has it yet.

Quoting again from the President's April 30 statement:

"The enemy in the past two weeks has stepped up his guerrilla actions and he is concentrating his main force in these sanctuaries that you see in this map, where they are building up the large massive attacks on our forces and those of South Vietnam." On May 2, Robert Kaiser reported in the *Washington Post*:

"Military sources said today that they were not sure what President Nixon was talking about Thursday night when he described on television a large and recent Communist buildup in Cambodia."

Defense Secretary Laird was not sure either. On May 14, he told a breakfast meeting of reporters that:

"Starting about mid-April, we found the (enemy) forces facing in the opposite direction and moving away. There was not as great a military confrontation. The risk to American forces (going into Cambodia) was much less."

These statements simply cannot be reconciled. The President told us the enemy was building up for large massive attacks on our forces in Vietnam; yet, at the same time, the Secretary of Defense reported the enemy was moving in the opposite direction. It cannot be that the President acted to prevent an attack from the enemy's rear.

Look, then, at an other aspect of the situation prevailing when the invasion was launched. The nimble neutralist government of Prince Sihanouk had been deposed, and Lon Nol was in the process of attempting to consolidate his power in Cambodia. Ironically, one method he employed was the harassment and murder of Cambodians of Vietnamese origin, taking advantage of ethnic antagonisms to increase his own popularity. In addition, probably with the expectation that American help would be forthcoming, he directed his small military forces to move toward Communist sanctuaries.

This prodding of the beehive produced the natural result, in amounts well beyond the protective capacity of Cambodian forces; Lon Nol sent out urgent appeals for help, lest his government fall immediately to advancing Vietcong forces.

During his consideration of those requests, the President heard strong opposition from members of Congress, including the chairman of the Senate Armed Services Committee. He could not have been unaware of the deep hostility to any U.S. involvement with propping up the new Cambodian government. And that hostility was present for the best of reasons, at least for anyone who could recall the origins of our involvement in Vietnam.

Militarily, the prospects could not have been worse. Cambodia's sole defense has been its neutrality. Whereas South Vietnam had been blessed with billions in military assistance prior to its near military and political collapse in 1964, Cambodia had only a ragtag army with an assortment of weapons from an assortment of countries, including China and the Soviet Union—doubtful sources of replacements and spare parts.

Secretary Laird described the best possible illustration of the Cambodian army's impotence by pointing out that only a third of the Communist forces in Cambodia were involved in the strikes which preceded our invasion. Yet, Phnom Penh was near collapse.

Also paralleling Vietnam, any U.S. support of Lon Nol would result in our identification with an illegitimate government in power only because of its contempt for the processes of self-determination that is professed as our single remaining aim in South Vietnam. It would align the United States with the destruction of Cambodian land and people, and would establish Lon Nol as an American puppet in the eyes of his nationalistic countrymen. In short, involvement offered another venture doomed militarily and politically from the start, and it offered another great opportunity for Communism in Indochina.

While such considerations dominated discussions of aid to Cambodia on Capitol Hill, the President was being moved by other factors. I suspect the greatest was his realization that his "Vietnamization" strategy was becoming less and less viable, in large part because of events in Cambodia.

As he said on April 30:

"Cambodia . . . has sent out a call to the United States, to a number of nations, for assistance. Because if this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier . . ."

These words, in my view, gave a broad hint of the real reason for the invasion, as did another phrase from the same statement:

"I have concluded that actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000."

During those ten days, it will be recalled Secretary Laird told us that enemy forces were facing the opposite direction.

I submit, therefore, that our forces were sent into Cambodia, not only to capture the elusive Communist headquarters, nor to capture tons of rice and weapons, nor to field-test the South Vietnamese army, but at least in considerable part we went to rescue the Lon Nol government from imminent collapse. That, indeed, may have been a primary goal.

To defuse congressional and public opposition, however, the President devised a different rationale. His tactic seems to have been to open a second front in the Cambodian theatre, thus removing some of the military presssure on Phnom Penh, while avoiding the appearance of a direct involvement in yet another Asian country.

All along, the purpose has been denied. According to Secretary Rogers, for example:

"We don't intend to become involved militarily in support of the Lon Nol government or any other (Cambodian) government . . . Now obviously some of the things we are doing have peripheral effects. There are dividends that flow to the present government because it keeps the enemy (off) base. But that's not our primary purpose, and that will not be our purpose in the future."

The President's own words belie such assertions. Any doubts that remain on that score should certainly be set to rest by events of the past week relating to American air missions over Cambodian territory.

It should be recalled that the President set careful guidelines for air interdiction when U.S. ground troops were withdrawn. He said it would be limited to countering enemy efforts to move supplies and personnel through Cambodia towards South Vietnam and to re-establish base areas relevant to the Vietnam war.

But now Secretary Laird admits that American aircraft have been bombing in support of Cambodian forces holding Cambodian population centers. A Pentagon spokesman confirmed that military commanders are responding to *Cambodian* requests for air strikes.

Yet, Mr. Laird tosses up another semantic smokescreen. The Pentagon maintains that the guidelines are not being violated, with the explanation that:

". . . when they catch enemy troops in the open, they will go after them even if there happen to be Cambodian troops around". And Secretary Laird says that there will continue ". . . to be ancillary benefits to the Cambodian ground operations. But the primary mission is interdiction."

Mr. President, this is patently absurd. Are we to believe that Cambodian troops just "happen" to be around the routes of supply to South Vietnam covered by the President's guidelines? Are we to believe that those routes conveniently run by Cambodian population centers in need of protection? Are we to believe that Cambodian troops just "happen" to be located in the areas where the *Cambodians* have requested air strikes?

Mr. President, the pattern of deception has continued long enough. We are today and we have since May first, both directly and through the South Vietnamese, been operating in direct support of the Lon Nol government. That was at least one reason for the invasion. It is a reason for the air strikes. It is a reason why South Vietnamese forces still remain in Cambodia. How long will the Administration deny the obvious?

There is more at stake here than the credibility of the Nixon Administration. That question is serious enough. But beyond it, if we understand why the Cambodian venture was undertaken, we learn volumes about the prospects for the Administration's Indochina policy.

Specifically, we learn that far from assuring the success of Vietnamization, the Cambodian invasion signalled its weakness.

This, again, follows from the President's own statements. Vietnamization cannot succeed if Cambodia falls and becomes a 600 mile-long sanctuary for the North Vietnamese and the Vietcong. But Cambodia cannot survive without extensive support from the United States and South Vietnam. At the same time, each step in our pursuit of the Communists into Cambodia weakens Lon Nol because of the destruction and suffering it imposes, on his behalf, upon the people of that beleaguered land. Meanwhile, American forces are left holding the bag in South Vietnam while a large South Vietnamese army forages in Cambodia to the dismay of much of the Cambodian populace. It is not possible either for the United States or Vietnam to achieve military success in a widening guerrilla war with declining numbers of troops.

Mr. President, the Attorney General, John Mitchell, has advised those who feel the Administration is retreating on school desegregation to watch actions rather than words. He suggests there is more to be learned from what the Administration does than from what it says.

The same principle applies with equal force to the President's Indochina policy. And when employed on that front, it exposes the Cambodian action as an effort to conceal another costly, futile expansion of the war.

It is difficult to believe that so many years of hopeless effort in Indochina have failed to convince this Administration that we cannot maintain a government to our liking in Saigon. The President's policy of "decisive moves" (Cambodia) is as barren as the gradual escalation that was abandoned more than two years ago.

We have heard many protests in recent weeks from supporters of the Administration's policy who say they resent any implication that they are less devoted to peace than those of us who take a different view. They argue that the President is moving toward peace, that he is withdrawing American troops, and that he deserves the plaudits of those who despise this tragic conflict.

The President doubtless does want peace in Vietnam, but I do not believe his present course will move us in that direction. I intend shortly to address myself in greater depth to the President's so-called Vietnamization policy, which I see as a device for keeping us involved in Indochina—not a method for extricating us. For the time being, however, I have tried today simply to place in better perspective what I believe to have been a mistaken action in extending the war so rashly across the face of Cambodia.

Mr. FULBRIGHT. Mr. President, I shall yield to other Senators, but I do wish to reiterate that the Gravel amendment involves a great deal more than the money provided in the bill.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend. The Chair will not again ask order. The Chair will bring in the Sergeant at Arms and we will have some quiet. We have only a few minutes remaining until the vote. The Senate will be in order.

The Senator may proceed.

Mr. MUSKIE. Mr. President, I wish to speak in support of the pending amendment, offered by the junior Senator from Alaska, and to state my reasons for questioning the authorization for $255 million in military and economic assistance to Cambodia.

The pending measure, H.R. 19911, and the manner in which it has been presented, have raised many questions about our future policy in Cambodia which have not yet been answered to my satisfaction or to that of many of my colleagues. I shall vote in favor of the Gravel amendment because I believe these questions can be more satisfactorily answered in the near future.

My principal concern, as I consider this aid request, is to what extent this decision, if made in haste today, will commit us to the long-term defense of the present Lon Nol government in Cambodia. Testimony received before the Senate Foreign Relations Committee indicates that this request is only the beginning of what will be necessary for Cambodia.

I find most disturbing, therefore, that without a clearly defined policy there is a very real prospect that this aid could become the first step toward United States involvement in another Vietnam—this time in Cambodia.

I know that we have received assurances from Secretaries Rogers and Laird, and from the President himself, that this is not so.

Nevertheless, the administration has yet to define just what is our policy toward Cambodia. We have been told only that this aid is essential to the progress of Vietnamization.

I wonder, and I imagine that many of my colleagues wonder, what price we must pay for this program of Vietnamization:

A program which neglects the rapid collapse of the economic and social structure in South Vietnam;

A program which leaves unresolved some of the most urgent facets of this war—the release of prisoners, for example;

And a program which extends the duration of the war, not only for us but for the Vietnamese as well.

In short, there are grave shortcomings in the Vietnamization program at present. Its fate, as a purely military contingency plan, is uncertain. On this basis alone, therefore, I would find it very difficult to vote for this aid request.

A second question which has not yet been answered satisfactorily is whether this relatively small amount of aid—which we are led to believe must be appropriated immediately—will be of more than marginal value to Cambodia. Or, once we have made this initial downpayment, will we be faced with the yearly argument that we cannot let Cambodia down in the middle of our commitment? According to the testimony of the Secretary of Defense, this is what we may expect.

The administration has made no case for the urgency of this request.

The administration has told us nothing about the current situation in Cambodia or about the prospects for the Lon Nol government.

Does that government have popular support? Will its army be capable of meeting a determined effort of the North Vietnamese?

On one question there can be no doubt. The war has widened into Cambodia. We ourselves have carried the war into that country on one occasion. Our job now is to see that the United States does not again become directly involved in this expansion.

Therefore, before voting to commit the United States to this program of assistance, we need to know more about the present situation in Cambodia which has prompted this urgent and last-minute request.

I concur with the statement of the distinguished chairman of the Foreign Relations Committee that this matter should receive a very serious probing before we rush to commit ourselves to we know not what.

Finally, Mr. President, I find it deplorable that the administration has waited until the last minute to come to Congress with this request, leaving us little time to examine the issues and to ask questions. I submit that we cannot make decisions of such grave importance or develop a rational policy on such short notice. Nor should we be expected to do so.

Judgments of such critical importance to our foreign policy should never be made in haste, especially when there is no clear justification of the need for haste. I intend to consider similarly presented requests in a like manner in the future.

I submit, Mr. President, that the experience of the past 6 years has shown that we cannot act and devise a policy afterwards to conform to our actions. We are all too painfully aware of the costs of such a lack of foresight.

The administration has maintained that what they have done and what they will do in Cambodia will make for a more safe and more rapid withdrawal of our forces from Vietnam.

With respect to the safety of our withdrawal, the answer is not clear.

With respect to the rapidity of our withdrawal, our past actions in Cambodia have not appreciably increased the rate of our withdrawal from South Vietnam.

Regardless of whether these administration claims are right or wrong, our decision must proceed from a careful policy review and a clear understanding of the facts of the conflict in Cambodia. Should immediate action then be necessary, I am certain that the Members of the Senate will assume responsibility and take the necessary initiative.

We are only a month away from a new Congress which could take up this issue in depth. I commend the junior Senator from Arkansas for his willingness to do just that.

Secretary Rogers has testified that an end to the conflict in Cambodia is not in sight. I suggest that 1 or 2 months' delay in our decision will not do irreparable damage to the security of Cambodia.

Numerous sources upon which the administration may draw for aid to Cambodia over the next couple of months were cited yesterday in the Senate. I need not repeat them today.

For those of us in the Senate who voted to commit the United States to a war in Vietnam, the issue of Cambodia is symbolic of the mistake we made in the past. Yet it is also a very real issue which can bear directly on our efforts to disengage from the battle in South Vietnam.

We stand to save ourselves much grief by giving this issue the careful review it demands.

Therefore, I urge my colleagues to weigh this decision most carefully.

Although we may disagree individually as to the best policy to follow in ending this war, let us be united in our firm intention that at least one aspect of our policy in Southeast Asia is clear: we will become involved in no more wars there.

Mr. President, whatever the fate of this amendment, I intend to support final passage of House Resolution 19911. I will do so because of the merit of the other items contained in this authorization measure which I feel should be approved:

The restoration of funds for programs in the Republic of China and the Philippines which were diverted for use in Cambodia;

Additional assistance to apply in the disaster relief effort in East Pakistan;

Because I do not feel that these other programs should not be sacrificed—especially the aid for East Pakistan—I will reluctantly support final passage of this legislation, even if the Gravel amendment is defeated.

Mr. FULBRIGHT. Mr. President, I wish to state that the amendment dealing with Cambodia should be viewed as very much more important than the money involved. It is an important matter of policy which has been presented to us without opportunity to have adequate hearings. It can go over until next year without any sacrifice of money. They have the money and they will have it available under existing authority. That is all I wanted to say. It is much more important than the money being voted.

I yield 2 minutes to the Senator from Idaho and then I will yield the remaining time to the Senator from Alaska.

Mr. CHURCH. If the distinguished Senator from Alaska wishes to proceed I would yield to him first.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, if there were anything I would wish for it would be that everything I say now or have said with relation to our involvement in Southeast Asia were wrong. I would hope that the view I hold that the money being appropriated here as the first step in the web of entanglement is not the first step on the part of this administration to legally broaden the war. The thing that would make me happiest is for my views to be wrong. Of course, only time will prove that, and I hope time will work against my view; but if not, then Members of this body have been placed on notice that this event did not slip through unheralded and that it was——

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

Mr. GRAVEL. I care not to yield. I would like to finish my comment and yield in a few moments.

It cannot be said this event slipped through unheralded or that it was overly complicated as an issue.

At this point in time we have a policy in this country wth regard to Vietnam which was initiated by the Chief Executive and up until this time it remains his policy, as an individual, and also as the Chief Executive of the United States. The moment that we appropriate these moneys, and authorize these moneys, that policy is no longer his as an individual—it still remains his policy as a part of his administration—but at that time it becomes the official policy of the United States because it has been verified and sanctioned by this body.

Therefore, when we tell people in Southeast Asia and Paris or any other place in the world that we are withdrawing from Southeast Asia, and they read, not in the newspapers, but in our own budget documents, that we are spending more money, other nations can then look at us and they can judge for themselves whether or not we are truly withdrawing and whether or not we are guilty of rhetoric that says we take one step forward in order to take two steps backward.

The whole thesis that I have maintained, and that I believe my colleague, the Senator from Arkansas (Mr. FULBRIGHT) maintains, is a very simple one. We are going to get out of Vietnam one day. Some of us would hope that day would be soon. If it were soon it would save not only our money but also, and more importantly, our blood.

Mr. President, I read yesterday a passage which I thought was eloquent beyond compare.

I would like to read it again. I refer to the last paragraph of Walter Lippmann's article published in Newsweek of last Monday, entitled "After the War Is Over." The last paragraph reads:

When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honor and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article entitled "After the War Is Over," by Walter Lippmann, from which I have just read; also a data sheet on Cambodia and a paper dealing with the SEATO Treaty.

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

AFTER THE WAR IS OVER

(By Walter Lippmann)

When the war in Indochina ends, it will matter a great deal how we understand what happened, and why. For this country can tear itself part if it falls into bitter quarrels about what happened. There will be those who say that we have been defeated although we could have won. There will be others who say that we should not have intervened but that we were deceived and seduced. "There are two things that will always be very difficult for a democratic nation," said Alexis de Tocqueville, "to start a war and to end it." The heavy losses of the dead and wounded and the enormous costs and frustrations of the war will be tolerable only if we can come to some common understanding as to what went wrong, and why it happened.

I must begin by insisting on a point that President Johnson and President Nixon have needlessly obscured and confused. It is the difference between a mistake and a failure on the one hand and a defeat on the other. The United States has not been and cannot be defeated in Indochina even though we withdraw our armed forces and realize that in the longer run the South Vietnamese Government is not likely to be able to stay on a course that is independent of North Vietnam. For the United States this will have been a large and costly failure to do what we said we were going to do. But the United States will not have been defeated. For defeat is what happened to Nazi Germany and to Japan: to surrender, to have the armed forces lay down their arms, to have the country occupied and governed by the enemy. No such thing can happen to us in Indochina, *which is proof that it is not a vital area to the United States.* And therefore President Nixon would do the country a service if he would cease to confuse a mistaken war with the downfall of being defeated.

ARMED PEASANTS WHO ARE WILLING TO DIE ARE A MATCH FOR THE MIGHTIEST POWER

We need at the same time to explain to ourselves what at first seems to be absurd. Here we are, some 200 million of us, with the greatest armaments that any country has ever possessed and there are the North Vietnamese, some 20 million of them, with a primitive industrial system. Yet we have been unable to make them do what we want them to do. Why not? Because armed peasants who are willing to die are a match for the mightiest power. Elephants cannot clear the mosquitoes from a swamp. The United States has been unable to conquer the armed guerrillas of the vast Asian continent.

Why, we are asked, have we not used *all* our weapons and bombed them back into the Stone Age? The answer is that the United States had compelling reasons to believe that China and the Soviet Union would not stand idly by if we did, and that nothing that was at stake in Indochina was worth another world war.

Thus, our failure in Vietnam sprang from a great misatake. We asked the armed forces to do what it was not possible for them to do. Our senior military leaders, the men who were the commanders before and during the second world war, knew better. They had always believed that the United States' military power was on the ocean and that Asian land wars were to be avoided studiously. The men who did commit the United States to a land war in South Vietnam had to ignore the precedents and override the advice of men like Dwight D. Eisenhower, Douglas MacArthur and Matthew B. Ridgway.

THERE FLOURISHED THE FANTASTIC NOTIONS THAT ONE NATION COULD ACT AS GLOBAL POLICEMAN

If we are pacificists and doves about Vietnam, it is because of the old American view of a land war in Asia. The opposition to intervention on the Asian continent begins with the teachings of our senior commanders in the second world war, long before Senator Fulbright and his colleagues in the Senate began to dissent. The question is why the United States ever violated its own military doctrine.

The reason for the mistake which led to the failure was certainly not the military or the ambition or the profit-seeking of anyone. The reason was the global confusion which existed when the second world war came to an end. The two principal enemies of the United States, Germany and Japan, were utterly defeated and all the principal allies and friends, the Soviet Union, China, France and Britain, were prostrated. Only the United States was uninvaded, powerful and rich, unhurt and invulnerable.

The recovery of our allies and of our enemies was greatly helped by wise and beneficent measures like the Marshall plan and NATO, and for a few years it looked as if we could do anything anywhere in the world. The whole world seemed to depend on the United States for protection and for recovery and reconstruction, even for food. Never, it seemed, was there such a total victory, and never before, therefore, was it so difficult to judge with any accuracy what needed to and what could be done. In these circumstances there flourished the illusion of American omnipotence, the fantastic notion that one nation could act as global policeman.

It was not, I think, the United States which yearned to police the world, though there were a few intoxicated imperialists among us. Events and the pleading of our friends abroad nourished the illusory role of world policeman and world benefactor.

While that illusion flourished during the late '40s, it became exceedingly difficult to measure wisely the extent of our power and of our responsibilities. Although the postwar distribution of power in the world has proved to be short-lived, the postwar situation was complicated by the first appearance of nuclear weapons. They were unbelievably destructive and for a time the United States had a monopoly of them. It was difficult to understand the limitations of nuclear weapons, and to realize that though those weapons would destroy anything, they could not do anything in particular. We have learned gradually the limitations of nuclear power, but it has been difficult for most people to understand why, if we are so powerful, we do not succeed in anything we attempt to do.

And then, last but not least, there was a third novelty in the postwar world which made it difficult to judge foreign policy accurately. This was the emergence of the Russian empire as the citadel of a world revolution against established order everywhere. Americans had never before confronted such a state of affairs. The consequence was the cold war to contain Communism, to roll it back and to insist that the confrontation with Communism would have to precede not only stable recovery, not only peace and harmony in the world, but the recognition of the balance of power.

It is very easy in retrospect to see that the war in Vietnam was a great failure owing to a great mistake. It is also easy to see that this great mistake was made by a new generation of men who were faced with the unique conditions of the postwar world—the total victory of the United States, the unmeasured nuclear weapons, and the Soviet Communist crusade which, for living Americans was unprecedented.

When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honor and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

DATA SHEET OF CAMBODIA

1863—French protectorate over Cambodia is established.

1887—Cambodia is incorporated in the Union of Indo-China.

1945 Sep. 4—Communist Vietminh leader Ho Chi Minh proclaims the independence of Vietnam.

1946 Jan. 4—France grants autonomy within the French Union to Cambodia, which is to be administered by Ministers appointed by the King.

1946 Dec. 19—Indo-China war begins with Vietminh attack on French military installations.

1952–1953—Guerrilla warfare increases in Cambodia between Cambodian and French forces on one side and Vietminh-infiltrated Khmer Issarak guerrillas on the other.

1954 Mar. 14—Siege of Dien Bien Phu (French stronghold in Vietnam) by Vietminh forces beings. French military situation rapidly deteriorates.

1954 Mar. 29—US Secretary of State John Foster Dulles calls for "united action" of the free world against the Communist advance in Indo-China.

1954 Apr. 2—Vietminh troops penetrate into Cambodia.

1954 Apr. 15—Cambodian Government appeals to the UN, protesting aggressions by Vietminh troops on Cambodian territory.

1954 Apr. 26–Jul. 21—Geneva Conference on Indo-China armistice. The conference: partitions Vietnam leaving North Vietnam in the hands of the Vietminh Communists; bans foreign military bases in Cambodia and Laos (first "neutralized" states); sets July 1956 for all-Vietnam elections which are to decide on the future form of government of a unified country; provides for an International Supervisory Commission (India, Canada and Poland) for the implementation of the armistice; provides for the withdrawal of both Vietminh and French Union forces from Cambodia and for on-the-spot demobilization of the Khmer Issarak guerrillas; gives Cambodia assurance of full independence. Cambodia, in its turn, promises to permit all citizens, regardless of their political past, to participate in elections as voters or as candidates. "King Norodom Sihanouk of Cambodia instructed his delegation at Geneva to hold out for his right to seek alliance with the United States and to rearm. After treaty signing was delayed for five hours Chou En-Lai and Molotov gave way." (Time, 2–21–55)

1955—In 1955, a king, Norodom Sihanouk, who had been enthroned under French colonial auspices, utilized the semi-divine aura of his royal person and the credit he

had achieved in negotiating independence to create a new political order. In place of a factious parliamentarianism, he substituted a neo-monarchial system based on loyalty to his persons, traditional institutions and the concept of a Khmer (Cambodian) nation. In the general elections of September 1955, to which Cambodia was committed under the Geneva Agreements of July 1954, this organization trounced the political parties of the pre-independence parliamentary era to obtain every seat in the National Assembly.

1960—Prince Sihanouk, at a session of the U.N. General Assembly, attended by many heads of state, urges that the East and West power blocs make Cambodia a guaranteed neutral state.

1961—In an interview in the French magazine *Le Monde*, Sihanouk reaffirmed his commitment as a Cambodian nationalist, and said that he feared subversion not from Russia or China, but from the Vietnamese communists.

1962 Aug 20—Letter from Prince Sihanouk to President Kennedy: "Mr. President: I . . . call your . . . attention to the very serious threat that has . . . been hanging over my country, which has been constantly subjected to . . . aggression by neighboring powers . . . Cambodia sees no other reasonable solution of this situation than to claim for itself the benefit of the international protection provisions that have been granted to Laos . . . Cambodia requests of Your Excellency's Government and the other powers which met last month in Geneva *the official recognition and guarantee of its neutrality and territorial integrity*. It is ready to accept any appropriate control for that purpose. Norodom Sihanouk."

1962 Aug 31—Letter from President Kennedy to Prince Sihanouk: ". . . I assure you that the United States respects the neutrality, territorial integrity and independence of Cambodia."

1963 Nov 1—Military coup in Vietnam against the Diem regime. President Diem and his brother Ngoo Dinh Nhu are killed.

1963 Nov 19—At a mass rally in Phnom Penh Prince Sihanouk declares an end of all U.S. military and economic aid because the CIA is plotting to oust him as chief of state.

1963 Nov 21—Communist Chinese Government statement "solemnly declares" that if Cambodia should suffer armed invasion instigated by the US and its vassals China will formally side with Cambodia and give it all-out support. Sihanouk reiterates his call for an international conference to guarantee the neutrality of Cambodia.

1964 May 8—Cambodia charges South Vietnam with raiding the village of Taey on May 7, 1964 and killing six Cambodians.

1964 Jun 4—UN Security Council unanimously adopts resolution condemning South Vietnam's military "penetration" into Cambodia and asks that all states respect Cambodian neutrality.

1964 Nov 6—Letter from Sihanouk to Charles de Gaulle is made public. It warns that the United States and South Vietnam "are preparing an action on a large scale against our country" and appeal to France to intervene.

1965 Apr 28—South Vietnamese Skyraider fighter planes bomb two Cambodian villages.

1965 May 3—Cambodia announces it has severed diplomatic relations with the United States because of continued US-South Vietnamese attacks on Cambodian villages.

1965 Dec 21—United States State Department issues statement affirming that the US feels itself free to undertake military actions in Cambodia that it considers essential for American troops' self-defense in the Vietnamese war. This action based on the "inherent right of self-defense." The US states that it suspects that Cambodia is being used as a refuge by the Viet Communists.

Sihanouk disputes that Cambodia is being used as a refuge and offers to let the International Control Commission inspect the border for communist arms smuggling into Vietnam.

1966 Jan 3—Cambodia informs the UN that it will make armed attacks into South Vietnam if there are further violations of its territory or airspace by US or South Vietnamese forces.

1966—US journalists in Cambodia, ostensibly to cover the visit there of Jackie Kennedy, are challenged by Sihanouk to find a single Viet Cong base in Cambodia. The journalists do just that, with information probably supplied by the CIA. The US press argues that Sihanouk is closing his eyes to Communist support bases near the Vietnam border.

1967 Apr. 4—Prince Norodom Sihanouk (in a message broadcast to the nation) says that Cambodian Communists have gone "from subversion to acts of direct aggression" and attacked on Apr. 2 provincial guardposts and agricultural settlements in Battambang Province (in northwest Cambodia). He says that while the nation already has had to face "aggression" from US and South Vietnamese forces, it now faces a third threat coming from the "red Khmers." Sihanouk says that Cambodia will "face the situation alone and will meet force by force, but will not ask for aid from anybody." He also warns that if the "armed rebellion expands," it might become necessary to dissolve parliament, dismiss the government and declare a state of siege."

1967 May 6—Prince Norodom Sihanouk (in a speech in Phnom Penh) warns that his Government will resist any subversive activities inspired from abroad whether by the Socialist states or the "imperialists." He singles out by name North Vietnam, North Korea and the Viet Cong as attempting "to turn Cambodia into a colony or a satellite by using the "Red Khmers" as their Trojan horse."

1967 Nov. 17—General Westmoreland privately tells newsmen that Cambodia is becoming a major supply route for Communist forces in South Vietnam. US officials make it known that they are considering adopting a policy of "hot pursuit" whereby US forces in Vietnam would enter Cambodia when pursuing fleeing enemy forces.

1967 Nov. 26—Sihanouk (in a statement to newsmen in Phnom Penh) warns that he will order a guerrilla war if US forces encroach upon Cambodian territory.

1967 Dec. 11—US State Department spokesman reaffirms US respect for "the sovereignty, independence and territorial integrity of Cambodia."

1967 Dec. 27—Prince Sihanouk (in a speech to the National Congress in Phnom Penh) says that he may seek volunteers from Communist China and other Communist countries if US troops enter Cambodia "allegedly pursuing communist Vietnamese forces." He states that he is prepared to face the possibility of "invasion" by US forces. Cambodia, he further says, "will ask China, Russia and other anti-imperialistic powers for new military aid."

1967 Dec 28—Communist China (in an article in the Communist party newspaper People's Daily) says that it will give "maximum support" to Cambodia if the US extends "its war of aggression" to that country. On the same day, Prince Sihanouk says that he will not try to stop US troops from entering his country "in hot pursuit" if he is convinced that Viet Cong or North Vietnamese forces have entered Cambodia illegally and are in an "uninhabited outlying region difficult to control." Sihanouk warns, however, that if there are "serious raids or bombings" against frontier areas inhabited by Cambodians or Vietnamese who have been living there a long time, Cambodian troops will strike back as strongly as possible.

1968 Jan 12—Joint communique (issued in Pnom Penh and Washington) states that "Ambassador Bowles renewed American assurances of respect for Cambodian sovereignty, neutrality, and territorial integrity." It also states that the US "is prepared to provide material assistance to the International Control Commission to enable it to increase its ability to perform its mission." The communique further states that the US "has no desire or intention to violate Cambodian territory." He assured the Royal Cambodian Government that the US "will do everything possible to avoid acts of aggression against Cambodia as well as incidents and accidents which may cause losses and damage to the inhabitants of Cambodia." Cambodia, for its part, stresses its desire "that its territory and its neutrality be respected by all countries including the belligerents in Vietnam."

1968 Jan 14—Prince Sihanouk again calls for the US to refrain from pursuing Communist units into Cambodia. If the US does cross the border, he says, the Vietnamese Communists "would come and help us even without our permission, and if they come it will be to help the Red Khmers and not the Sangkum regime, which would disappear. He says that it is "inadmissible" that the US go back on what he describes as the pledge made by Ambassador Bowles.

1968 Mar 28—Prince Sihanouk declares that his government has received assurances from Communist China and North Vietnam that they will not interfere in his country's internal affairs. Sihanouk claims that Cambodian Communists are failing, partly because Communist China and North Vietnam are not inclined to support them.

1968—Sihanouk and the US continue to argue over the right of US and South Vietnamese troops to enter Cambodia to combat communists in border areas. More and more the US accuses Cambodia of complicity with the enemy. Sihanouk responds that he opposes the communists' presence in his country but the Cambodian army is too small to do anything about it.

1969 Mar 28—Prince Sihanouk charges that "Vietnamese communists were increasingly infiltrating into Cambodia." He presents a detailed map showing Communist implantation in Cambodia. He says that he is opposed to any intervention by the US air force "under whatever pretext" because Cambodian women and children would get killed and not Viet Cong.

1969 Apr 16—US government says that the US "recognizes and respects the sovereignty, independence, neutrality and territorial integrity of Cambodia within its present frontiers."

1969 Apr—Sihanouk expresses increasing concern about native guerrillas operating both independently and with the North Vietnamese. Cambodia swings more towards cooperation with the US. Sihanouk chooses as his new Prime Minister, Lon Nol, former Chief of Police and a reputed "right winger". Lon Nol promises to crack down on communist subversion in Cambodia.

1969—Michael Leifer, in an article in the Feb. 1969 issue of Current History, argues that: (1) there is *no* evidence to support the Cambodian government's claim that the uprisings there are the direct result of external intervention; (2) the uprisings can be explained at least in part by an alliance between dissident peasant groups and educated, nationalistic, urban radicals.

1969 May 9—The New York Times reports that US B–52 bombers in recent weeks have raided Viet Cong and North Vietnamese supply dumps and base camps in Cambodia for the first time.—". . . Cambodia has not made any protest. In fact, Cambodian authorities have increasingly been cooperating with American and South Vietnamese military men at the border, often giving them information on Vietcong and North Vietnamese movements into South Vietnam."

1969—David Chandler, in an article in the Dec. 1969 issue of *Current History*, wrote that Since 1966, the prince has concen-

trated instead on seeking pledges to "recognize and respect" Cambodia's "present frontier". Sihanouk's eagerness to freeze his boundaries regardless of the outcome of the war in Vietnam is understandable. But given the arbitrary way in which these frontiers were drawn by the French, it is not difficult to understand the refusal by the Thai, Lao, and South Vietnamese regimes to agree to this. North Vietnam and the National Liberation Front, however, have not hesitated to support Sihanouk. Until 1969, when its resumption of relations with Cambodia was keyed to a presidential declaration expressing "recognition and respect" of Cambodia's frontiers, the US deferred to its Southeast Asian Allies on the issue, reluctant to judge a question which from their point of view remained unsettled. The neighbors' refusal to sign, and the US scrupulosity, have been interpreted in Cambodia as proof that Thailand, Laos, and South Vietnam wish to reenact nineteenth century history and swallow up Cambodia.

1970 Jan.—Sihanouk leaves Cambodia for a trip to Europe, leaving Premier General Lon Nol and Deputy Premier Prince Matak in charge of the country.

1970 Feb.—Governors of Cambodia's 14 provinces meet in Pnom Penh and report widespread unrest due to Viet Cong presence in their provinces.

1970 Mar.—Gen. Lon Nol, Prince Matak and Acting Chief of State Chen Heng move with unanimous vote of the parliament to oust Prince Sihanouk from his office. After the coup, the new government reconfirms Cambodian neutralist position. Sihanouk, in Russia at the time, blames the coup on the CIA. The new rulers order all North Vietnamese and Viet Cong forces out of Cambodia within three days.

1970 Apr.—Cambodian troops fight Viet Cong with aid of US and South Vietnamese artillery. Cambodian regime clamps down on import of Communist arms through Sihanoukville which had been begun six months before by Sihanouk. The new regime also calls for International Control commission to once again protect Cambodian borders. Anti-regime, pro-Sihanouk riots, increased Viet Cong attacks, but Cambodia does not call for US aid in order to retain neutrality. President Nixon and Secretary of State Rogers decide to stay out of Cambodian affairs.

1970 late-Apr.—Lon Nol requests U.S. aid against Communists. 1,000 Vietnamese residents of Cambodia are massacred as a "warning" to Viet Cong. Viet Cong move to within 20 miles of Pnom Penh. Lon Nol government seems to be in danger of collapse. Viet Cong pledge to return Sihanouk to power.

1970 April 30—U.S. and South Vietnamese troops invade Cambodia to clean out Viet Cong strongholds, staging points and supply bases.

CAMBODIA

I. United States military operations in Cambodia violate article IV of the SEATO treaty.

A. U.S. military operations in Cambodia violate the SEATO treaty because the President did not instigate them to protect the Cambodian government from armed attack.

B. U.S. military operations in Cambodia violate the SEATO treaty because the Cambodian government did not invite or consent to them.

C. U.S. military operations in Cambodia violate the SEATO treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures.

A. In 1954, the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty. The United States agreed to follow the procedures prescribed in Article IV of that treaty if the security of any of the designated countries, including Cambodia, were threatened.

A. U.S. military operations in Cambodia violate the SEATO treaty because the President did not instigate them to protect the Cambodian government from armed attack.

The first paragraph of Article IV provides that "each party (e.g., the United States) recognizes that aggression by means of an armed attack in the treaty area against . . . any State . . . which the Parties by unanimous agreement may hereafter designate (e.g., Cambodia) would endanger its own peace and safety, and agrees that it will in that event act to meet the danger in accordance with its constitutional processes." This section provides that individual countries may come to the assistance of countries which are actually under armed attack in order to prevent their forceable overthrow. Note that it provides for immediate unilateral intervention only when the other country is under "armed attack" and only for the purpose of assisting the attacked government. This section cannot authorize U.S. military intervention in Cambodia for two reasons. First, Cambodia is not under armed attack. The Vietnamese Communists focus their attacks on South Viet Nam, not on Cambodia. The Cambodian Communists are merely struggling to regain a voice in their own government. Second, and more important, President Nixon did not design the U.S. military operations in Cambodia to assist the supposedly attacked Cambodian government. To the contrary, in his nationwide television appearance on April 30, he emphasized that these operations are designed to assist the South Vietnamese government and to facilitate the withdrawal of U.S. troops from Viet Nam. The President consciously refrained from stating that U.S. military operations are calculated to help the Cambodian government retain power.

B. U.S. military operations in Cambodia violate the SEATO Treaty because the Cambodian Government did not invite or consent to them.

The third paragraph of Article IV provides that "no action on the territory of any State designated . . . under paragraph 1 of this article (e.g., U.S. military operations in Cambodia) shall be taken except at the invitation or with the consent of the government concerned (i.e., Cambodia). Thus even if U.S. military operations in Cambodia could be based on paragraph 1 of Article IV, they are not authorized unless the Cambodian Government invited or consented to them. President Nixon indicated that the Cambodian Government did not invite or consent to U.S. military intervention. In his nationwide television address, he admitted that the Cambodian Government was not consulted on the matter. The Cambodian Government had no opportunity to consent, for it was merely informed about the final decision.

C. U.S. military operations in Cambodia violate the SEATO Treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures.

The second paragraph of Article IV provides that "the parties (including the United States) shall consult immediately in order to agree on the measures which should be taken for the common defense" if the security of any of the designated states (including Cambodia) "is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area." This section authorizes collective action to assist countries whose territory or sovereignty is threatened by some event other than an armed attack. Note that it authorized the slower collective assistance in less imminently threatening situations. This section cannot authorize unilateral U.S. military intervention in Cambodia because the United States did not consult with all the other SEATO nations before sending troops into Cambodia and because the United States did not intervene in Cambodia to assist the Cambodian Government.

II. The United States military operations in Cambodia are illegal because they violate articles 2(4) and 53 of the United Nations Charter.

A. Article 2, paragraph 4 of the United Nations Charter provides:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, . . .

United States military operations in Cambodia constitute a violation of Cambodia's territorial integrity, which is outlawed by Article 2(4) of the U.N. Charter, and therefore by Article VI of the Constitution of the United States, which provides in part that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."

B. Article 53, paragraph 1 of the United Nations Charter, referring to regional defense agencies such as SEATO, provides:

. . . But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, . . .

Even if the present United States military action in Cambodia were proper and legal under the SEATO treaty and Protocol (and such action is not legal, as shown in Section I above), the action would be illegal under Article 53(1) of the U.N. Charter, since the action was in no sense authorized by the Security Council of the United Nations. The United States may not under authority of the SEATO treaty take military action in Cambodia which is prohibited to SEATO as an organization.

Any conflict between the SEATO agreement and the U.N. Charter must be resolved in favor of the latter, as required by Article 103 of the United Nations Charter:

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

III. The United States military operations in Cambodia violate the 1954 Geneva agreements which ended the French Indochina War.

Although the United States is not legally bound by the Geneva agreements, it is morally bound to observe them by the Declaration made to the Geneva Conference on July 21, 1954 by the U.S. representative, Under Secretary of State Walter Bedell Smith. That Declaration said, in part:

The Government of the United States . . . declares with regard to the aforesaid agreements and paragraphs that (1) it will refrain from the threat or use of force to disturb them, in accordance with Article 2(4) of the Charter of the United Nations . . .

Paragraph 12 of the Final Declaration of the Geneva Conference, also issued on July 21, 1954 and referred to in the United States Declaration, provides:

12. In their relations with Cambodia, Laos, and Viet Nam, each member of the Geneva Convention undertakes to respect the sovereignty, the independence, the unity and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

The present United States military operations in Cambodia are a direct violation of the sovereignty and territorial integrity of Cambodia, and constitute "the use of force to disturb" the agreement contained in Paragraph 12 of the Final Declaration of the Geneva Conference, in violation of the unilateral Declaration of the United States at the Conference. At the very least, such action amounts to bad faith by the United States Government in failing to keep its word.

Mr. GRAVEL. I yield now to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I recognize the truth of the statement of the Senator from Arkansas, Senator FULBRIGHT, and the Senator from Alaska, Senator GRAVEL, that if we authorize this sum for military assistance to Cambodia, it may be followed next year and in other years by additional requests for money for Cambodia.

When the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and I introduced in April the amendment—usually called Cooper-Church—its purpose was to prevent an expansion of U.S. involvement in the war and to require that if troops or military aid should be used, the administration must come to Congress for authority. That is what the administration has done in this case. It has followed the process the Senate approved by majority vote.

I shall give my reasons for voting for military assistance to Cambodia. I need not say I am opposed to expansion of the Vietnam war. I am opposed to the use of our troops in Cambodia or in war in any other country without the consent of Congress. But there is an existing and difficult situation in Cambodia; one need only look at the map to know that if there is a victory in Cambodia for North Vietnamese and Viet Cong, the flank of our own forces will be exposed. For that reason alone, for the protection of our troops, I support the bill. If the new Cooper-Church-Javits-Aiken-Mansfield-Case amendment is maintained by the Congress and the President, our force will remain during withdrawal of our forces from South Vietnam. This bill provides them with some protection.

I make one further point. On the one hand, the distinguished chairman and the distinguished Senator from Alaska have stated that other funds are available if we do not authorize the $255 million requested in the bill.

It seems to me to be perfectly untenable and inconsistent to argue that the President may go ahead and use money from other sources, if he so desires to provide military aid to Cambodia. Those provisions authorizing Presidential discretion in the foreign aid bill were written by the Committee on Foreign Relations and approved by the Congress. The use of such funds is legal but I do not believe it is quite consistent to tell the administration it should use funds permissible under law while opposing any aid to Cambodia. It may be an argument for economy, but not for policy.

Mr. CASE. Mr. President, will the Senator yield me half a minute?

Mr. COOPER. I yield.

Mr. CASE. Is it not true that in this very bill we in the committee have added—the Senator from Missouri and I were the sponsors of it—an amendment to eliminate the power to make these transfers?

Mr. COOPER. The Senator is correct. I think we should defeat the pending amendment.

The PRESIDING OFFICER. The hour of 2:30 having arrived, the question is on agreeing to the amendment of the Senator from Alaska. 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. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "nay."

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

The result was announced—yeas 33, nays 61, as follows:

[No. 434 Leg.]

YEAS—33

Burdick	Hughes	Nelson
Byrd, W. Va.	Inouye	Pell
Eagleton	Kennedy	Proxmire
Ellender	Magnuson	Randolph
Fulbright	Mansfield	Ribicoff
Goodell	Mathias	Stevenson
Gore	McCarthy	Symington
Gravel	McGovern	Tydings
Harris	Mondale	Williams, N.J.
Hart	Montoya	Yarborough
Hartke	Muskie	Young, Ohio

NAYS—61

Aiken	Eastland	Moss
Allen	Ervin	Murphy
Allott	Fannin	Packwood
Anderson	Fong	Pastore
Baker	Goldwater	Pearson
Bayh	Griffin	Percy
Bellmon	Gurney	Prouty
Bennett	Hansen	Saxbe
Bible	Holland	Schweiker
Boggs	Hollings	Scott
Brooke	Hruska	Smith
Byrd, Va.	Jackson	Sparkman
Cannon	Javits	Spong
Case	Jordan, N.C.	Stennis
Church	Jordan, Idaho	Stevens
Cook	Long	Talmadge
Cooper	McClellan	Thurmond
Cotton	McGee	Williams, Del.
Cranston	McIntyre	Young, N. Dak.
Curtis	Metcalf	
Dole	Miller	

NOT VOTING—6

Dodd	Hatfield	Russell
Dominick	Mundt	Tower

So Mr. GRAVEL's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, quite honestly, I had originally intended to vote for this bill believing that by wisely limiting the type of aid, prohibiting the introduction of American combat forces or advisers, and specifically stating that these supplemental funds should in no way "be construed as a commitment by the United States to Cambodia for its defense," the Senate could express its collective judgment that Cambodia should be the first real test for President Nixon's Guam doctrine of limited assistance and self-help.

But after yesterday's debate, it is not at all clear to me whether this aid would be given solely in the context of the Guam doctrine of giving only limited financial aid on a strictly self-help basis, which would exclude the possible use of American military forces.

For instance, Senator GRIFFIN suggested that a vote for this supplemental was an endorsement of the President's Vietnamization policy. I find a similar implication in Secretary Rogers' testimony that this supplemental is "important to our foreign policy in its entirety and in its individual elements"—including, presumably, the policy of Vietnamization.

The important point that emerged from yesterday's debate is that the policy implications of this supplemental are very unclear.

If the additional $155 million assistance to Cambodia were viewed as the first step toward implementing the policy of limited assistance and self-help, I would support it.

But if this authorization is interpreted as an endorsement of Vietnamization, or an extension of Vietnamization to Cambodia, as I fear it may be, I must oppose it.

For Vietnamization is not a way to end the war and win the peace. Despite the President's best intentions and best rhetoric, Vietnamization—the policy of reducing troops to the level necessary to sustain the Government of South Vietnam—does not encourage self-help and, indeed, rewards failure.

Like it or not, as long as American troops remain in South Vietnam, they act as a trip wire to insure that the United States will respond to whatever extent necessary in the event their safety is threatened.

As long as even a small contingent of U.S. troops remains, Thieu and Ky are assured that if they fail President Nixon will be forced to travel the discredited escalatory road of his postwar predecessors. President Nixon himself acknowledged the dimensions of this possible escalation last week at his news conference, when he threatened to resume bombing of the North.

The President also implied at his news conference that he considers the "tying down" of North Vietnamese troops in Cambodia as essential to Vietnamization.

The economic aid in this bill must be viewed in the context of an already existing commitment in Cambodia. Today, the South Vietnamese and U.S. Air Forces are for all practical purposes the only operational air force in Cambodia.

Twenty thousand U.S.-supported South Vietnamese troops currently operate in Cambodia. If this supplemental will in fact be used to foster an extension of our fallacious Vietnamization policy into Cambodia—to increase the area of U.S. commitment in Southeast Asia—it could be a tragic mistake.

Neither Congress nor the country can afford another rapidly passed and vaguely understood commitment—a commitment which could turn out to be the Cambodian equivalent of the Gulf of Tonkin. More thorough debate and further hearings are prudent and necessary.

Since, as the distinguished Senator from Missouri (Mr. SYMINGTON) has pointed out, the President can use the emergency provisions of the Foreign Assistance Act—section 506(a), 610(a) or 614(a) to supply aid to Cambodia; and since the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT) has promised complete hearings early in the next session of Congress on the implications of this economic commitment to Cambodia, I will vote for the Gravel amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. CHURCH. Mr. President, I do not know of any other amendment that is intended to be offered. If that is true, I ask for the third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

Mr. MANSFIELD. Mr. President, if no Senators wish to speak further on the bill, I ask unanimous consent that, notwithstanding the previous order, the vote occur immediately, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

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

The result was announced—yeas 72, nays 22, as follows:

[No. 435 Leg.]

YEAS—72

Aiken	Fannin	Muskie
Allen	Fong	Packwood
Allott	Goldwater	Pastore
Anderson	Griffin	Pearson
Baker	Gurney	Percy
Bayh	Hansen	Prouty
Bellmon	Hart	Randolph
Bennett	Holland	Saxbe
Bible	Hollings	Schweiker
Boggs	Hruska	Scott
Brooke	Jackson	Smith
Byrd, Va.	Javits	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Jordan, Idaho	Stennis
Church	Long	Stevens
Cook	Magnuson	Stevenson
Cooper	Mathias	Symington
Cotton	McCarthy	Talmadge
Cranston	McGee	Thurmond
Curtis	McIntyre	Tydings
Dole	Metcalf	Williams, N.J.
Eagleton	Miller	Williams, Del.
Eastland	Moss	Yarborough
Ervin	Murphy	Young, N. Dak.

NAYS—22

Burdick	Hartke	Montoya
Byrd, W. Va.	Hughes	Nelson
Ellender	Inouye	Pell
Fulbright	Kennedy	Proxmire
Goodell	Mansfield	Ribicoff
Gore	McClellan	Young, Ohio
Gravel	McGovern	
Harris	Mondale	

NOT VOTING—6

Dodd	Hatfield	Russell
Dominick	Mundt	Tower

So the bill (H.R. 19911) was passed.

The title was amended so as to read: "An act to provide additional foreign assistance authorizations, and for other purposes."

Mr. CHURCH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. GRIFFIN and Mr. SPARKMAN moved to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I move that the Senate insist on its amendments and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. GORE, Mr. CHURCH, Mr. AIKEN, Mr. CASE, Mr. COOPER, and Mr. WILLIAMS of Delaware conferees on the part of the Senate.

ELMER M. GRADE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6114.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. MCCLELLAN, Mr. ERVIN, Mr. HRUSKA, and Mr. COOK conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar and some nominations which were reported earlier today and are now at the desk, including one for the Civil Aeronautics Board.

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

U.S. TARIFF COMMISSION

The assistant legislative clerk read the nomination of Jefferson Banks Young, of Virginia, to be a member of the U.S. Tariff Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT COURT

The assistant legislative clerk read the nomination of W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit.

The PRESIDING OFFICER. The nomination is considered and confirmed.

U.S. ATTORNEY

The assistant legislative clerk read the nomination of William C. Lee, of Indiana, to be a U.S. attorney for the northern district of Indiana.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

CIVIL AERONAUTICS BOARD

The assistant legislative clerk read the nomination of Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURT

The assistant legislative clerk read the nomination of Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado.

The PRESIDING OFFICER. The nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Barron P. McCune of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

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

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

BIG THICKET NATIONAL PARK, TEX.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1428, S. 4.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 4, to establish the Big Thicket National Park in Texas.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 8, after the word "not", strike out "less than" and insert "to exceed"; so as to make the bill read:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership an area in the State of Texas possessing outstanding botanical and zoological values together with scenic and other natural values of great significance, the Secretary of the Interior shall establish the Big Thicket National Park, consisting of land and interests in land not to exceed one hundred thousand acres in Hardin, Liberty, San Jacinto, Polk, and Tyler Counties, Texas.

SEC. 2. (a) To establish the Big Thicket National Park, the Secretary of the Interior may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Wherever feasible, land shall be acquired by transfer from other Federal agencies.

Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire land which lies adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grant or in such exchange in order to equalize the values of the properties exchanged.

SEC. 3. When title to all privately owned land within the boundary of the park, other than such outstanding interests, rights, and easements as the Secretary determines are not objectionable, is vested in the United States, notice thereof and notice of the establishment of the Big Thicket National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park.

SEC. 4. The Big Thicket National Park shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

CHANCE TO SAVE A VANISHING AMERICAN WILDERNESS: THE BIG THICKET

Mr. YARBOROUGH. Mr. President, I commend the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Nevada (Mr. BIBLE), and the other able members of the Committee on Interior and Insular Affairs who have indicated their unanimous support for my bill to establish a Big Thicket National Park, by virtue of their recent favorable committee action.

The desire to turn the Big Thicket into a national park dates back to at least 1927, when the East Texas Big Thicket Association was created. During the 43-year interim since that date, a number of conservation organizations and individuals with various degrees of concern have submitted proposals to establish a park or preserve ranging in size from 20,000 to 1 million acres. Even if it were feasible today to set aside an area of 1 million acres, it would no longer be possible, since the Big Thicket has shrunk from its original expanse of 3.5 million acres to its present size of only 300,000 to 400,000 acres.

In 1966, I introduced a bill—the first ever introduced in Congress—to create a Big Thicket National Park, and have introduced the measure during each successive Congress since that time. My bill before the Senate today (S. 4) provides for a park of not less than 100,000 acres of a Big Thicket National Park in Hardin, Liberty, San Jacinto, Polk, and Tyler County areas of east Texas.

The bill before the Senate, as amended by the committee, provides for a park of not over 100,000 acres.

We cannot afford to delay or defer the preservation of unique wilderness areas such as the Big Thicket of Texas. It has been estimated that the Thicket is vanishing at the rate of approximately 50 acres per day as ever-increasing areas of the forest are cut down. Back around 1964, a lumber executive is reported to have stated:

The Big Thicket? The way we're going, in ten years there won't be a Big Thicket!

This sort of callous disregard for nature threatens soon to deprive the people of our country of their right, and even their opportunity, to enjoy the remaining splendid wilderness areas of America. Where will our people go to see and experience a place like the Big Thicket if it is ever allowed to be irrevocably destroyed?

According to figures recently released by the U.S. Bureau of the Census, 204,765,770 Americans have at present a seemingly insatiable appetite for "getting back to nature" whenever they have an available holiday or weekend to do so. This is not particularly surprising, considering the fact that so many of our citizens are cramped into the close quarters that are typical of most of the urban areas of the country. In ever-increasing numbers, our people are flocking to parks, seashores, rivers, lakes, and other areas of scenic beauty. We in Congress have an obligation to preserve and protect the wilderness areas which are needed to meet the needs of our people adequately.

It has been estimated that more than 3½ million persons live within a 100-mile radius, which would be a mere 2-hour drive from my proposed Big Thicket National Park. Another 13 million people live within 250 miles of the park. They could be expected to travel the relatively short distance to the Thicket on a fairly regular basis. Although those in close proximity to the Big Thicket would stand to benefit most directly from the creation of this national park, I have little doubt that such an area would soon come to be considered a great environmental asset by all Americans.

Once again, I emphasize to the Senate that we no longer have the luxury of tolerating delaying tactics as we battle to save vanishing American wilderness areas such as the Big Thicket of Texas. I urge my fellow Senators to demonstrate their concern for the environment by supporting the passage of my bill to establish the Big Thicket National Park under the administration of the National Park Service. The task is great, and the time is short. We must act favorably at once, or it may be too late to act at all.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1415), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

S. 4, introduced by Senator Yarborough of Texas, would establish the Big Thicket National Park in the State of Texas and would preserve an area of outstanding botanical and zoological values, together with scenic and other natural attributes of great significance.

LEGISLATIVE HISTORY

Periodically during the last 30 years, various individuals and organizations have stated the need for preserving a portion of the Big Thicket for park purposes. Parks or reservations ranging in size from 20,000 to 1 million acres have been proposed. The bill, as reported, provides for a maximum area of 100,000 acres.

In the 1930's proposals to create a State park were made in the Texas Legislature and were the subject of discussion for a number of years. In 1966, Senator Yarborough introduced a bill for creation of a national park, and has continued to work for the enabling legislation.

In this Congress, the committee held field hearings in Texas, and further hearings in Washington. The committee is convinced that the measure has the support of a greater part of the people of the area, and of responsible State and local officials.

BACKGROUND

The Big Thicket of east Texas is a unique and historically interesting part of the southeastern deciduous forest. It is developed on the ancient gulf coastal plain across which flow numerous bayous, creeks, and rivers. Elevations vary from a few feet above sea level on the south to more than 400 on the north, and most of the area can be classed as gently rolling. The upper reaches are generally well drained, but these give way gulfward to flatter regions containing scattered swamps, bogs, and "baygalls." Sloughs and oxbows line the major river courses. Except where altered by man's activities, the area is covered unbrokenly with a tall, relatively dense, variably mixed hardwood-pine climax forest, characterized by the luxuriance of its vegetation.

The floral components of this forest are representative of widely separated parts of the Eastern and Southern United States, meeting in the Big Thicket in fascinating ecologic interplay. Such a mingling of species—animals as well as plants—is found nowhere else as extensively.

The northern edge of the Big Thicket occupies a rather abrupt line of low-lying hills, probably representing the last gulf shoreline of the Pliocene epoch. This terrain is moderately incised by numerous small streams—many spring-fed and producing clear, cold, soft water. These small, unfailing tributaries sustain larger ones which empty into the gulf-bound San Jacinto, Trinity, Neches, and Sabine Rivers. As they reach the lower, more level plains the streams slow down and acquire a meandering pattern which shallowly dissects the land.

The entire Big Thicket region holds enormous reserves of underground water because of the high capacities of the forest soils and their underlying strata for absorption and retention. The forest is terminated on the south by the gulf coastal prairie, an area of very low land subject to saline water encroachment, where grasses predominate to the exclusion of deciduous forest species.

Within the Thicket or its immediate vicinity several species of trees have reached their finest development and largest size. For example, an American holly near Hardin in Liberty County is a record specimen measuring over 13 feet in circumference, is 53 feet high, and has a crown spread of 61 feet. The champion eastern redcedar is located near Roganville, just outside the Thicket's eastern edge. Near Conroe in the western part of the Thicket are the biggest examples of tree sparkleberry, common sweetleaf, and redbay, while the largest two-wing silverbell is near Shepherd.

At Devers, not far from the forest's southern border, is the biggest specimen of yaupon. The largest known black hickory and planertree are located in a superb bottomland hardwood grove within the Beaumont unit of the proposed park. Other trees such as the American beech, southern magnolia, blackgum, sweetgum, baldcypress and cherrybark, southern red, and swamp chestnut oaks show similar remarkable growth.

WILDLIFE

The remote, wild character of the Big Thicket has made it an attractive haven for all forms of wildlife, which find in its dense forests abundant food supply and protection in a natural environment. The mingling of species which lends so much interest to the plantlife of the Thicket is reflected in an intriguing diversity of its animal inhabitants.

Among the larger mammals are the Texas whitetail deer, both red and gray fox, raccoon, ringtail, mink, otter, skunks, opossum, bobcat, mountain lion, and, on occasion, black bear. Both the jaguar and ocelot of Mexico were formerly sighted, and a number of persons believe these beautiful cats are still present. One of the most interesting animals in the Thicket is the shy, timorous, and ever-present armadillo. Lesser mammals range from rare beaver to abundant gray, flying, and fox squirrels, cottontails, muskrats, and, of course, multitudinous smaller rodents.

Over 300 birds have been listed for the Big Thicket, including many shore and water birds. As with the plant forms, a fascinating mixture of eastern and western species occurs here. An example is the seemingly incongruous overlapping of the anhinga or water turkey of the southeast with the roadrunner of the southwest, representing two distinctly different habitats, yet both at home in the Thicket.

The forest lies on the dividing line between the great Mississippi Valley flyway and the gulf coastal route into Mexico, so that most migrating species in the Central United States can be seen in the Thicket in season. Of particular interest to the ornithologist are relatively rare birds like the red-cockaded woodpecker, Bachman's sparrow, and brown-headed nuthatch, while the average visitor will find such birds as the southern pileated woodpecker fascinating, or the exceedingly graceful American egret and the colorful roseate spoonbill in their great river-bottom rookeries.

HISTORY

During the historic period, the Big Thicket was inhabited by the Akokisa and the Bidai Indians. About 1800 the Coushatta Indians and, a little later, the Alabama Indians settled in the region, having moved from the East. At the present time the Alabama and Coushatta Indians still remain in the Big Thicket on Texas' only Indian reservation.

The story of these tribes is a fascinating blend of history and legend covering the period from the time of Columbus to the present.

To the early white pioneers, the Big Thicket presented a formidable physical barrier to exploration and settlement. Later it served as an impregnable wilderness sanctuary to those attempting to avoid the conflicts and demands of a developing civilization. Thus the vast area containing the Thicket became the location for innumerable folklore stories and legends, most of them based on fact. More recently it has proven to be a very important economic resource which has supported substantial lumber and oil industries. Any area which has been all these things is bound to have a fascinating history. The Big Thicket is no exception.

Historic and legendary features include such diverse sites as the "Keyser Burnout," Gen. Sam Houston's home near Moss Hill, the Old Union Well, the Hanging Tree, the "Tight-Eye" country, the Contraband Trail, and the Ghost Road.

In addition, there are several cultural aspects which are of considerable importance and would be of exceptional interest when suitably interpreted. These pertain to man's involvement with the Big Thicket and include such things as early-day trade routes and river travel, a typical pioneer farm carved out of the forest, a ghost logging town, an early oil well, and similar monuments of America's vigorous economic and social development.

Through its certain appeal to visitors, the human history adds considerable color and charm and provides a fitting background for the principal Big Thicket story.

NEED

As the Nation becomes more crowded and the vast majority of citizens live and work within the urban areas, the demand for a quiet, natural place for relaxation, recreation, and spiritual restoration becomes far more acute. There are over 8½ million people who live within 100 miles of the Big Thicket, and over 13 million live within 250 miles, an easy day's drive. These millions of people, and millions of more throughout the Nation, need natural recreation areas and are seeking places where they can enjoy the relaxing influence of a quiet forest, or a tree shaded place by running waters, filled with the wonders of nature.

This area represents a natural environment, one relatively untouched by man, and under National Park Service administration it will remain so. As a unique and valuable natural ecosystem dominated only by those forces of nature, Big Thicket National Park will continue to preserve the rare and treasured features that offer to all people the values of inspiration and hope.

The establishment of the park will be a great asset to the American people and the world cultures as a whole.

The amendment was agreed to.

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

Mr. YARBOROUGH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

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

The motion to lay on the table was agreed to.

NOTICE OF CONSIDERATION OF SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Now, Mr. President, it is the intention of the leadership to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1443, H.R. 17550, Social Security Amendments of 1970; that it be laid before the Senate and made the pending business.

When that measure is pending, the distinguished chairman of the committee, the Senator from Louisiana (Mr. LONG) will then proceed, I understand, for approximately 2 hours.

ORDER FOR RECOGNITION OF SENATOR BIBLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the speech by the distinguished Senator from Louisiana (Mr. LONG), the distinguished Senator from Nevada (Mr. BIBLE) be recognized to make a motion relative to a conference report.

Mr. PROXMIRE. Will the distinguished majority leader yield at that point?

Mr. MANSFIELD. For how long?

Mr. PROXMIRE. I ask the distinguished majority leader to yield only when he finishes his preliminary remarks so that I may have just 2 minutes before the Senator from Louisiana speaks.

Mr. PASTORE. Will the Senator inform us on what subject he wishes to speak for about 2 minutes?

Mr. PROXMIRE. Two minutes to reply to the position we were placed in by the unanimous-consent request of the Senator from Delaware (Mr. WILLIAMS).

Mr. PASTORE. Fine.

The PRESIDING OFFICER. Is there objection to the request of the distinguished majority leader? The Chair hears none, and it is so ordered.

The Chair now recognizes the Senator from Montana.

DOUBLE SESSION

Mr. MANSFIELD. Mr. President, confronting the Senate in the last 2 weeks of this session are some of the most difficult and controversial questions that have been considered during the preceding 2 years of the 91st Congress. What complicates matters more is the fact that many of these issues have precipitated, are precipitating or will precipitate a filibuster. No Senator ever admits his participation in that process though all of the markings of a filibuster are clear nevertheless. At this time they appear on at least five issues. All five issues are important. If they were not, the Senate would not find itself in these circumstances.

It should be noted that the Rules of the Senate—so revered by some, so criticized by others—magnify the views strongly held by any single Member of the Senate. The Rules project any one Senator into a position of particular predominance late in any congressional session. This fact provides a striking distinction between the two Houses of Congress. It is a difference that should caution any conferees on either side of the Capitol from forcing any controversial viewpoint upon the Senate against its clearly expressed will and its strongly held viewpoint. This point need not be labored. The Rules of the House of Representatives require a record vote at a time certain. The Rules of the Senate do not permit such a restriction. That is the difference, and its impact can be felt quite readily at the present time. Let me cite some of the issues now pending on which the difference is now being felt—and I refer only to those matters which may involve a filibuster:

First. The Department of Transportation conference report which contains funds for the continuation of the supersonic transport program. This issue was vigorously contested in the Senate. It was thoughtfully and thoroughly debated on the Senate floor and by an overwhelming margin against the recommendation of the executive branch, the Senate voted to discontinue the SST program. The issue before the Senate during the consideration of this appropriation bill was not how much money should be provided, but whether the Government should participate in any SST program at all. The vote in the Senate was clear and decisive. Resolving the issue in conference by reducing the funds by a little more than 25 percent represents a virtual capitulation of the Senate's position. So a filibuster is expected to ensue as a result. It will occur because some Senators are determined to uphold the majority position of the Senate. I do not defend filibusters in any form but neither will I point a finger of culpability for delaying the Senate program.

Second. The issue of the Department of Defense appropriation measure. For 7 weeks last summer the U.S. Senate debated the question of how and the extent to which this country should become involved deeper in Southeast Asia. Until our last soldier was removed following the thrust into Cambodia, it was impossible to obtain a vote on the matter. Now the conference report for the Department of Defense appropriation comes back with new language not considered by the Senate initially, which not only gives to the President wide discretion to protect our troops, but also sanctions in advance any form of extension of our involvement—any number of additional casualties and any added costs—in the war so long as its stated objective is related to freeing the prisoners who are held by North Vietnam.

There is not a Member of the U.S. Senate who does not agonize for each prisoner and his family. The release of these 1,500 men held behind prison walls is the hope of every American. That is not the issue. The issue concerns language incorporated anew in a conference report that would permit an invasion of North Vietnam. Such a raid would have a predated congressional sanction. It is language which by comparison makes the Gulf of Tonkin resolution not only imprecise, but impotent. Frankly, I do not believe that such language represents the majority and predominant view of the Senate. If it wishes, the Senate as an institution can reduce itself to a House of Lords. It will be moving in that direction, if it is required—because of expediency—and accept time and again these judgments worked out by relatively few Members.

Third. The third issue involves the conference report on supplemental appropriations, and that will be done through conference, I would assume, shortly. This measure contains the controversial appropriations for foreign aid to Cambodia. As it left the Senate, it included the money put in by the House but yet to be authorized by law. The bill has now been enacted as far as the Senate is concerned. Fortunately, for the Senate, the distinguished Senator from West Virginia (Mr. BYRD) chairs that conference and has as his ranking member the senior Senator from Nebraska (Mr. HRUSKA). Both have assured the Senate publicly that the language embargoing those Cambodian funds until a legislative authorization is enacted into law will remain in any conference report. They have both stated that they are fully appreciative of the significance of this restriction as it applies to funds that have no authorization and its impact upon the Senate as a coequal body with the House in the legislative process. It is thus hoped, and I am confident, that the potential filibuster on this issue will be eliminated because of the efforts of Senator BYRD and Senator HRUSKA in conference. I am confident that the injunction on the expenditures of the Cambodian funds will remain.

Fourth. Is the international financial institutions bill that has been debated several days in the Senate recently. On it a majority viewpoint in the Senate cannot be established except, as it was in a certain sense, in reverse. It does dramatize quite clearly how the rules of the Senate grant power to individual viewpoints held with deep conviction. It is cited in recognition of the deep difference of this institution from any other.

Fifth. Waiting in the wings is an issue on which the Senate hopefully will be permitted to work its will. Social security is a matter which is the vital concern of older Americans. Their fixed incomes have been eaten up by the fires of inflation, and the responsibility rests with the Congress to make up the difference.

Attached to their hopes for some relief at this time are issues ranging from veterans pensions; to the establishment of a new policy on import quotas; to a revamping of the welfare system of the country. Each of these proposals in and of itself has major significance. Each should be considered on its own. It is hoped that some way will be found to give consideration to some of these items prior to adjournment. For many months the President has asked that his proposal on family assistance be given an opportunity for Senate consideration. In response, I have publicly promised that the Senate would do its utmost as far as I was concerned to afford the President that courtesy. After all, it is his No. 1 domestic proposal. I would hope that at least his proposal could be voted upon by the Senate prior to adjournment.

Those are the issues. Each must be examined separately and on its own to determine just where the responsibility lies for the position in which the Senate finds itself. How it got there and why are proper questions. The answer to each will be different. In a general way, I would say that the Senate as an institution has a responsibility to protect not only the prerogatives of its Members but also its own viability.

The Senate itself must decide; I leave the question open for every Member to consider.

Mr. President, I yield to the distinguished Senator from Wisconsin as I promised previously.

THE SST

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader. I will be brief.

Earlier in the colloquy on the unanimous-consent request of the Senator from Delaware (Mr. WILLIAMS), assertions were made and the implication was made quite clearly that those who oppose the Department of Transportation conference report are to blame for delaying things and threatening a filibuster which may seem to be unjustified.

If there is any delay on the Department of Transportation appropriation bill, it is not on the heads of those opposed to the SST.

The Department of Transportation bill passed the House on May 27. Hearings were completed in the Senate on August 28. But the bill was not reported to the Senate until November 25.

At the time the Department of Transportation bill had been reported to the Senate, it had been 6 months since it had come from the House.

The only other appropriation bills which had not been reported to the Senate by then were the Department of Defense appropriation bill and the independent offices appropriation bill.

The Department of Defense appropriation bill cleared the House on October 8.

The independent offices appropriation bill cleared the House on November 24.

The Department of Transportation bill was 4½ months older than the next unacted upon appropriations bill when it was reported to the floor.

So the decision to delay the legislation should not be charged to us. We were happy to take it up at any time. I recall very clearly that the proponents of the SST delayed consideration of the measure until after the election, thinking that that would give them an advantage. Not only was it delayed, but when the conferees were appointed they were appointed in express and explicit violation of the Rules of the Senate set forth in Cleaves Manual and in the manual compiled by Dr. Riddick and his predecessor.

On page 172 of Senate Procedure, by Charles L. Watkins and Floyd M. Riddick, there is a section entitled "Conferees Represent Senate and Not Committee Only." The rule as expounded in that section is:

> The conferees in theory are appointed by the Presiding Officer but in fact are designated by friends of the measure, who are in sympathy with the prevailing view of the Senate . . .

Cleaves Manual says the same thing at page 284:

> Of course the majority party and prevailing opinion have the majority of the managers.

It is clear that the one really controversial issue in the bill involved the SST. It is perfectly obvious that the majority were not represented in accordance with the rules of the Senate.

Mr. President, I point out that the conferees, who were all fine men, spent less than 1 day in conference. They did not set a record, but they came close to it. They did not spend many days or weeks as many conference committees have. They came back in 1 day with a conference report which contains funds for the SST.

We are in a position of either voting for the SST now or voting against the appropriations for the entire Department of Transportation. That includes the airports, the highways, and the entire transportation program of the Federal Government. Under these circumstances we do not have a chance, and we know it.

In a similar vote in the House, those opposed to the conference report got 71 votes to 319, even though the vote on instructing the conferees was fairly close.

We have one opportunity to vote and that is for or against the conference report. That is grossly unfair. We tried to uphold the majority will of the Senate. We are not trying to filibuster, but are trying to uphold the majority will of the Senate.

I realize that those who favor the SST have an understandably deep conviction. But let us face the fact that the continuing resolution contains funds for the SST through January 3. We will come back on January 21 next year.

We would agree to a vote promptly when we return on the supplemental, on a vote up or down on the SST without delay.

At that time there could be a supplemental come in that would solve our problems. If we take the SST money out of the transportation bill or out of the continuing resolution, there is no problem as far as I am concerned. This is a problem that would cause a delay of less than a month in the SST program, if the Congress votes yes—up and down on the SST.

I make these points because I think that the Senator from Nevada and the Senator from Delaware, of course, are fine men and they do want to vote on this promptly. But I think that our position is completely tenable.

I think it would be contemptible of us if we let those who oppose us use the rules the way they have in view of the record.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I do not find any fault with what the Senator said, except he said we only took 1 day in conference. I want him to know that if we stayed there until the cows came home the answer would have been the same. The fact is that the House was adamant, but the Senate did try. It was one of those situations that would require a Solomon. The impasse was irreconcilable.

I do not find any fault with what the Senator intends to do but with respect to the impression that if we had stayed there longer the result would have been different, it is not so. The result would have been the same.

Mr. PROXMIRE. I asked the Senator from Mississippi (Mr. STENNIS) and the Senator from Nevada (Mr. BIBLE) if I could be on the conference or if some Senator who shared our views in opposing the SST could be on the conference. I was told this would be difficult or not possible. There are several things that conference could have done. One of the big issues is that we need more protection of the environment. We felt the Jackson-Magnuson bill is pigeonholed in the House and is going to die with sine die adjournment. Possibly it could have been agreed upon or that providing funds for the SST would be conditional upon the enactment of that law. That is one possibility.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. How long is 2 minutes?

Mr. PROXMIRE. Mr. President, I understand the distinguished minority leader objects. I yield the floor.

Mr. MANSFIELD. He does not object.

Mr. PROXMIRE. I asked for 2 minutes. I am in violation of that request. If the distinguished majority leader wishes me to discontinue at this time I shall do so. I have expressed my position.

Mr. MANSFIELD. I am probably out of order.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish to set forth a few figures with respect to the SST. The figure $285 million was in the bill and that figure was stricken from the bill. But when we got to conference we found that $105 million already had been spent on a continuing resolution. It was gone, and it was a liability of the Federal Government. If it is not appropriated in this bill it will have to come later. So the amount in issue was $185 million.

We had a fine discussion. The House was unyielding. The Magnuson-Jackson bill was not mentioned by anyone. We got into the proposition where 6 months are gone and 6 months remain and twice $105 million is $210 million. So we give up $80 million in compliance with the Senate vote which proved to be 43.2 percent of the dollars that were actually in issue.

That is what is actually in issue. So the Senate did not surrender to anyone. We did not ignore any of our obligations. Other Senators have gone up against these men when they have their minds made up. We came back—not with 50–50, and that is considered a good compromise any time—with 43.2 percent against 56.8 percent.

Now, the issue here will be in the conference report. Nothing else important is in controversy. The Senate will vote on the SST straight up or down.

Mr. MANSFIELD. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I have been informed that the conference on the regular foreign aid bill carries $200 million for the Foreign Military Sales Act which has not been enacted. The Senate discussed that matter last year at great length, but here again we are faced with a proposal to appropriate directly $200 million which has not been authorized.

Again I would like very much to be on notice when that conference is reported, and I hope the Senate will know it is falling into this habit of allowing appropriations without authorizations being enacted. I hope I will be alerted, and when the conference report on the foreign aid bill is brought up I hope I will have the opportunity to explain that the $200 million has not been authorized.

Mr. MANSFIELD. Instead of five issues which are likely to generate filibusters and filibusters within filibusters, the number stands at six on the basis of the notification of the chairman of the Committee on Foreign Relations.

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

Mr. MANSFIELD. Does the Senator have something to say on this matter?

Mr. McGEE. I have an inquiry about procedure. However, I suggest the Senator yield to the distinguished minority leader first.

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he would follow up on the remarks he just made, and set forth his recommendations for action. My commentary is that I have read these recommendations and I do agree with him. I would favor our staying in session very late at night, if necessary. The only caveat I have is that I would not agree we should adjourn sine die on the basis that we have no business to transact unless we have passed the Family Assistance Act, the appropriations, and certain other measures.

Mr. MANSFIELD. We have discussed briefly the possibility of once again reverting to the double session, which seemed very successful prior to recessing for the elections in October. This consent agreement, if allowed, would provide the regular flow of business would continue from 9 o'clock in the morning until around 4 o'clock in the afternoon, and at that time the pending business, whatever it may be, conference reports or other matters, would be set aside by motion of the leadership so that those measures not subject to filibuster could be resolved. At 9 a.m. the next day the business of the previous day would recur as the unfinished business. Any conference reports or other legislation fall into this category.

So, Mr. President, I would like to ask unanimous consent that the Senate allow the leadership to conduct business on that basis.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. YOUNG of North Dakota. Mr. President, reserving the right to object, and I shall not object, I wish to take exception to the remarks made by the distinguished majority leader with respect to the defense appropriations bill and the language we inserted in conference with the House with respect to South Vietnam, Laos, and Thailand. If the Senator takes the position the Senate conferees can at no time compromise with the House, then we will be here another year before we resolve anything. I hope I did not understand the Senator correctly. Our compromise was a good compromise. At some point we are going to have to adjourn without accomplishing anything or compromise with the House. They have as much right to their position as we have to our position.

Mr. MANSFIELD. I would not disagree with that statement at all, but I think all too often the Senate compromises too much and, after all, what was done was the passage of language that was agreed to by unanimous vote in the Senate, and what was agreed to in conference as a result of House pressure was to extend the meaning far beyond what the Senate had in mind, and that includes the Defense Committee and the Committee on Appropriations in the same area when the matter was discussed on the floor of this body.

All I am asking is that Senators stand on their feet and not give in too often or too easily, as they do on occasion with the House. They should recognize the fact that even though the House conferees are more obdurate and stubborn than we are, we are supposed to be Members of a body which is equal and that we should not, as I tried to indicate, became innocuous and let the House ride over us, as they have done on occasion. Fifty-fifty to me is a compromise, but not 33–66.

Mr. YOUNG of North Dakota. In due time we can debate the language that was changed somewhat. We left the Senate language in, but, at the insistance of the House, a proviso was added to the extent at least that we could provide assistance to South Vietnam, Laos, or Thailand even if they participate in some military action in Cambodia, or gave them some other assistance.

I do not think the Senate language particularly fitted the appropriations bill, because those countries could not give either economic or military assistance to Cambodia. They received assistance from us. I do not think the Senate wanted to go that far.

When the Appropriations Committee put that language in the report, I was criticized by many Senators who thought we were wrong. But we went to conference with the House. The House conferees strongly objected. We arrived at a compromise. I think it was a good compromise.

Mr. MANSFIELD. The distinguished Senator from North Dakota is one of the ablest Members of this body. While we agree more often than we disagree, there are times when we interpret language differently. I think this language goes a long way and gives extraordinary power to the President and can create extraordinary difficulties for the Senate.

Mr. McGEE. Mr. President, the Senator had promised to yield to me.

Mr. MANSFIELD. I yield.

Mr. McGEE. My inquiry is as to what would happen if his unanimous consent were agreed to. Would it be conceivable that yet today we might find it possible to take up some conference reports that are not on the agenda for filibuster? Might there be some possibility of that?

Mr. MANSFIELD. Oh, yes.

Mr. McGEE. Yet today?

Mr. MANSFIELD. The idea would be to consider the unfinished business, going from 9 a.m. until 4 p.m., then go to conference reports, then next morning convene at 9 o'clock again and go to the DOT bill if it is still pending.

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

Mr. MANSFIELD. I yield.

Mr. BIBLE. I only take this time because of a characterization the majority leader used in his statement. One word he used bothered me a little. The majority leader knows of my love and respect and affection for him, but he said that the Senate conferees "capitulated." That is rather a harsh word. I do not think we did any such thing. It was a most difficult conference, and I have sat through many of them over my years of service in the Senate. I thought the Senator from Rhode Island spoke correctly as to the attitude of the House conferees.

I did not intend to get into a prolonged discussion of this matter. It will come up at about 5:30 this evening, but I do want to clear up that one word and to assure the majority leader that we did the best we could. When an irresistible force meets an immovable object, however, something has to give a little. We gave a little and they gave a little.

In amplification of what the Senator from Mississippi said earlier, $105 million of this $289 million budget request has already been spent. In addition, if we were to terminate the program as the Senator from Wisconsin argues—and in all honesty he says, and I admire him for it, that what he wants to do is kill the program—if we bury it, which is his intention, then it will cost more than it will to appropriate the $210 million recommended by the conference committee.

Mr. MANSFIELD. May I say that I, of course, accept the words of the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Rhode Island (Mr. PASTORE), and the distinguished Senator from Mississippi (Mr. STENNIS). Perhaps the use of the word "capitulate" was unfortunate. Looking at it from the viewpoint of the calculations made by the distinguished Senator from Mississippi, relative to what has already been appropriated, on the basis of the continuing resolution, the figure of 47 percent would be correct, but looking at it from the overall viewpoint of $295 million——

Mr. BIBLE. $290 million.

Mr. MANSFIELD. $290 million, none of which I understand has been appropriated yet, I think the 25 percent figure would hold up. But I do want to express my regret that in using the word "capitulation" a wrong interpretation has been placed on it. I did not mean it that way, and I will withdraw that word and accept the explanation made by three men in whom I have wholehearted confidence.

Mr. BIBLE. The Senator knows of my esteem for him. I merely wanted to correct that word. It sounded a little harsh. I thought we should leave it in a kindlier condition. We worked hard. We did the best we could.

Mr. MANSFIELD. I am sure of that, but suppose I change it from "represents" capitulation of the Senate to a "represents a drawdown of the Senate's position"?

Mr. BIBLE. Whatever words the majority leader uses are all right. If he uses the word "capitulation" in connection with my very feeble explanation, that is all right.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Would the majority leader be kind enough to make the two-track system consent apply only until we begin what little recess we may get for Christmas? My reason is that we may face some changed circumstances which we cannot foretell now and many of us would not want to be shut out of the consideration of that matter, depending on how it works out next week?

Mr. MANSFIELD. I would think we should start out right away.

Mr. SCOTT. And going through until the 22d?

Mr. MANSFIELD. Yes.

Mr. JAVITS. I would suggest it continue only until we started the short Christmas recess.

Mr. MANSFIELD. Where is the Senator from Nevada?

Mr. JAVITS. Before the Senator answers, I have one other question. Some of us have problems with conferences. May we ask the majority leader whether the Senator from Louisiana (Mr. LONG) intends to make a statement, or does he intend to make any motions or ask unanimous consent in connection with the pending business?

Mr. LONG. Mr. President, I shall ask unanimous consent to insert a couple of charts into the RECORD.

Mr. JAVITS. I thank my colleague.

Mr. SCOTT. Mr. President, may I ask the majority leader to reread his proposal?

Mr. MANSFIELD. I think the Senate should be aware of what it is.

I have asked unanimous consent that the Senate begin to operate on a double-session or double-shift basis as it did prior to the preelection recess.

This consent agreement would provide that the regular flow of business would continue from 9 in the morning to 4 in the afternoon or thereabouts, and at that time the pending business, whatever it might be, conference report or other, would be set forth by motion of the leadership, so that those measures not subject to filibuster could be resolved.

At 9 a.m. the following day, the unfinished business of the previous day's session would recur as the unfinished business. There are many conference reports that fall within this category, and other pieces of legislation as well.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. The suggestion of the majority leader presupposes that we are going to have a filibuster from 9 o'clock until 4 o'clock.

Mr. MANSFIELD. Yes.

Mr. PASTORE. If that is the case, why do we not shorten the time? Why do we not make the time from 9 until 3, and then get into our regular business so we accomplish something?

Mr. MANSFIELD. Fine.

Mr. BIBLE. Mr. President, reserving the right to object—and I do so only for this purpose—I am supposed to be at bat today. If it goes into effect today, I do not want to be out of the ballpark before the ball game starts. Will the agreement exclude today?

Mr. MANSFIELD. It will exclude today. Let us do it that way. I have been at fault.

Mr. President, I ask unanimous consent that at the conclusion of the statement by the distinguished Senator from Louisiana (Mr. LONG), the distinguished Senator from Nevada (Mr. BIBLE), manager of the conference report be recognized.

Mr. BIBLE. The Senator made that request earlier. He makes it twice, so I am protected. I do not want to start at 5 minutes to 5 and then be cut off.

Mr. MANSFIELD. Not today.

Mr. BIBLE. Not today.

Mr. SCOTT. Mr. President, the majority leader's request, as I understand it, would be effective beginning tomorrow and, for the present, it would end on the 22d of December. Is that correct?

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

Mr. PASTORE. It is from 9 to 3; is that correct?

Mr. MANSFIELD. From 9 to 3.

Mr. McGEE. Mr. President, reserving the right to object, will that arrangement include this coming Saturday?

Mr. MANSFIELD. Yes.

Mr. McGEE. We will be in session on Saturday?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Now, Mr. President, if the Senator from Louisiana will permit me, the joint leadership has discussed the possibility of invoking cloture at times it may consider appropriate.

If that is done, it would be our intention also at that time—we are making no motions now—to ask that the cloture period be reduced from 1 day and 1 hour to a 2-hour period, because of the pressure of time. I do not anticipate that that will be agreed to, but I did want to notify the Senate as to what we would attempt.

Mr. JAVITS. Mr. President, will the Senator yield? The Senator had better know that this is one Senator who objects.

Mr. MANSFIELD. Oh, the Senator would not be the only one, but we would like the Senate to know what we are attempting to do to try to speed up the legislative process and take care of the President's legislative program.

Mr. JAVITS. Will the Senator yield? It is very easy to get unanimous consent at 9:01 in the morning, or 9:03.

Mr. MANSFIELD. Oh, we would not pull anything like that.

Mr. JAVITS. I am sure of that.

Mr. MANSFIELD. The Senator knows that every time a cloture motion has been considered, ample notice has been given and a quorum has been called. There is no such thing as calling a trick at 9:01 in the morning, or when the Chamber is empty, because the Senate leadership just does not operate and has not operated in that manner, and never will.

Mr. JAVITS. Mr. President, the Senator from New York makes no such charge. What the Senator says is perfectly true. But I think Senators are entitled to notify the leadership that they would at least like notice of when any such unanimous-consent request is going to be made.

Mr. MANSFIELD. Of course. I would have thought that any Senator would anticipate that as a matter of course, because this is a radical departure, which I do not think will get anywhere, but at least we wanted to lay our views before our colleagues.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. MANSFIELD. Surely.

Mr. STENNIS. My inquiry is this: The rule about cloture is positive; it is mandatory as to just when the Senate shall vote. Can that be altered, abolished, or changed in any way by unanimous consent?

The PRESIDING OFFICER. The Chair states that if the Senate grants a unanimous-consent request of the Senator from Montana, that would govern and supersede any previous rule.

Mr. STENNIS. Mr. President——

Mr. MANSFIELD. Mr. President, I have the floor. May I say that in view of the statements made, sensing the attitude of the Senate, the leadership will not attempt to invoke cloture on that basis. The only reason we suggested it was in an attempt to speed up the legislation within the time frame, and to pass as much of the President's legislative program as possible.

Mr. SCOTT. Mr. President, if the distinguished majority leader will give me a chance—and he has—to concur here, I think we should have tried to proceed by this method. I think we ought to invoke cloture, and if we cannot invoke cloture under a variation of the rule, that does not mean we may not be forced to invoke cloture under the existing rule.

What we are trying to make clear here is that both Hertz and Avis are trying harder to bring this session to an end.

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

Mr. MANSFIELD. Yes; then I wish to yield the floor to the Senator from Louisiana.

Mr. SYMINGTON. Mr. President, for the past several days, we have been debating the amount of foreign aid we are to give to other countries. The bill just passed provides over $400 million of such aid.

Mr. President, may I have the attention of the majority leader?

Mr. MANSFIELD. Yes.

Mr. SYMINGTON. Am I to understand that in the conference with the House of Representatives, $200 million additional has been put in the foreign aid program, after the criticism we have had in discussing this present amount, and it has been put in an appropriation without any authorization of any kind?

Mr. MANSFIELD. We can ask the manager of the conferees.

Mr. McGEE. No, that is not true.

Mr. SYMINGTON. I am talking about the measure the Senator from Arkansas brought out.

Mr. McGEE. We are talking about the original appropriation bill and the supplemental appropriation bill. There are two separate bills.

Mr. SYMINGTON. I understand.

Mr. McGEE. The $200 million, in stringent language, is in the original appropriation, not the supplemental.

Mr. SYMINGTON. Was that added in conference?

Mr. McGEE. That was subtracted in conference. The original amount was $800 million, in the House bill.

Mr. SYMINGTON. Was that authorized by the Senate?

Mr. McGEE. By the House. The Senate's appropriation was not authorized. That raised the question of how to break the conference by give and take; and we put in $200 million.

Mr. SYMINGTON. Am I to understand that Senate conferees can appropriate money without any authorization for the foreign aid bill?

Mr. McGEE. There is a precedent. We went through this issue 2 years ago. The issue facing the conferees was whether they could even go to conference without the approval of all the

other committees involved, and we decided the precedent was indeed here for going to conference, and the Parliamentarian tells me that no point of order is in order, but the issue can be raised on the conference report, and the chairman of the Committee on Foreign Relations has assured me that he will raise it as an argument, on the regular foreign aid bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, that very fact was one of the reasons why I wanted to see the bill just reported this afternoon by the committee and passed on the floor, so that question would not arise. As a matter of fact, the supplemental appropriation has not even gone to conference, so we are fully protected on that. But that is what I was trying to avoid, because a precedent has been set, and if we had done this, not only the Appropriations Committee would have been run around, but the Senate also.

Mr. McGEE. The Appropriations Committee, on the supplemental, attached the proviso that this was subject to the action of this body, because it was a matter of timing and trying to coordinate with the House of Representatives, so we covered it with that proviso, but that was not one of the features present in the old one, in going into credit sales of the military.

Mr. FULBRIGHT. But the $200 million is not authorized by law in the regular aid bill.

Mr. SYMINGTON. Then this comes up for discussion on the conference report, and it is not authorized by law, is that correct?

Mr. MANSFIELD. And we have been told that it will be discussed when the conference report gets over here.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1443, H.R. 17550. I do this so that it will become the pending business.

The PRESIDING OFFICER. The Chair inquires of the Senator, does he ask unanimous consent or move?

Mr. MANSFIELD. I move, yes.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments.

Mr. LONG. Mr. President, I invite the attention of the Senator from New York (Mr. JAVITS) to what I am about to say.

I ask unanimous consent that the following members of the staff of the Legislative Reference Service, Education and Public Welfare Division, be granted the privileges of the floor during the debate on the Social Security Amendments of 1970, H.R. 17550:

Mr. Fred Arner, Mrs. Frances Crowley, Mr. Joe DeHumphries, and Miss Margaret Malone.

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

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

Mr. LONG. I yield.

Mr. RIBICOFF. I wonder if the Senator would include in that unanimous consent Mr. Taggert Adams of my staff, to have the privilege of the floor during the consideration of the family assistance provision.

Mr. JAVITS. Would the Senator add the name of Kenneth Guenther and John Scales?

Mr. LONG. Are they not on the Senator's staff?

Mr. JAVITS. Yes.

Mr. LONG. Mr. President, in the event that it should become necessary to clear the floor of legislative assistants, I ask unanimous consent that two persons from the staff of the Senator from New York (Mr. JAVITS) be permitted the privilege of the floor, and one from the staff of the Senator from Connecticut (Mr. RIBICOFF).

Mr. MONDALE. Would the Senator include the name of Ruth Johnstone?

Mr. LONG. One from the staff of the Senator from Minnesota.

Mr. JAVITS. Mr. Janus and Mr. Blumenthal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. COOK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPARKMAN. Mr. President, will the Senator yield for me to make a unanimous-consent request? It will not take 10 seconds.

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to Senators who wish to ask unanimous consent, reserving my right to the floor.

The PRESIDING OFFICER. Is there objection?

EMPLOYMENT AND MANPOWER ACT OF 1970

Mr. NELSON. Mr. President, both Houses of Congress have passed and sent to the President one of the most significant pieces of legislation to emerge from this session of Congress—the Employment and Manpower Act of 1970.

This bill has enjoyed broad bipartisan support in the Congress and tremendous backing from the most prestigious national organizations.

It would carry out a sweeping reform of our present Federal manpower training programs which have been found to be quite inadequate and ineffective. This reform of manpower training programs was a proposal which originated with the President himself. The bill would give it to him.

In addition the bill would establish a major nationwide public service employment program designed and operated at the state and local level, largely by mayors and Governors. It is the one piece of legislation passed by this session of Congress which offers some positive answer to rising unemployment all across the country. The bill would give the President a powerful tool to use in fighting unemployment.

I have been informed today by a number of reliable sources within the administration and in State and local governmental offices around the country that the Department of Labor is absolutely insistent that the President veto the bill. It seems incredible that the Labor Department would make such a recommendation, but the report appears to be confirmed from many different sources. If those reports prove to be unfounded, I will, of course, be greatly pleased, along with many others.

If the bill is vetoed by the President it will only be because he has failed to hear the full facts on the legislation and the viewpoint of a tremendous number of responsible people across the Nation who participated in the development of the legislation and strongly support it.

This bill has been endorsed by the Urban Coalition, National League of Cities, U.S. Conference of Mayors, National Association of Counties, the AFL-CIO, the National Council of Senior Citizens, Congress of American Indians, and a great number of other organizations. So far as I can determine, the only serious opposition comes from a comparative handful of officials within the Labor Department who are disappointed because Congress did not approve every feature in the legislation which they personally had requested.

I am certain that both the President and Congress realize that the legislative process involves a considerable amount of compromise. The fact is the Labor Department has achieved almost every significant feature which it has requested in the bill and should have no difficulty whatsoever in administering this legislation in the future.

The President spoke to the Nation in August of 1969 and proposed comprehensive reform of our manpower programs, at the same time that he proposed revenue sharing and the family assistance plan. Every single aspect of manpower reform which the President requested in his message of August 12 is embodied in the Employment and Manpower Act which is on his desk. With one stroke of the pen the President can achieve one of the three major reforms which he proposed in August of 1969.

On the other hand if the President vetoes this manpower bill, he will remove any prospect of achieving manpower reform for a period of several years. The bill has been under active consideration by our Subcommittee on Employment, Manpower, and Poverty since November of 1969. Its successful passage through both houses of Congress and through a conference committee was achieved by more than a year of extremely hard work

both inside and outside Congress and by the development of a carefully balanced consensus among interested organizations. Our subcommittee must begin next month the urgent consideration of major new legislative proposals with respect to the Office of Economic Opportunity. There is no prospect whatsoever for the consideration in the next session of Congress for manpower reform legislation. Furthermore, I fear that the act of vetoing the bill will so thoroughly disappoint Representatives, Senators, and members of interested organizations that it will be difficult to put together once again the coalition that made the legislation possible.

Reform of manpower programs cannot be viewed apart from the family assistance plan. I am aware of a very vigorous bipartisan effort to secure action on the family assistance plan before this Congress adjourns.

In my opinion, it would be extremely unwise and even irresponsible to act on the family assistance plan before the issue involving the manpower bill has been resolved.

For one thing, the President has strongly emphasized the fact that the beneficiaries of family assistance would be required to register for work opportunities or for training under a Federal manpower training program. It would be the greatest folly to launch a multibillion-dollar program which would require millions of people to report for work in jobs which do not exist or report for training under programs which the administration itself says are presently in a state of disarray, bordering on chaos.

It is ironic that at the same time Secretary of Health, Education, and Welfare Richardson has expressed support for public service employment in the family assistance plan, the Department of Labor representatives are opposing the program contained in the manpower legislation.

It should be noted that the Ribicoff-Bennett proposal, which spokesmen for HEW are even now asking Senators to support, provides for 80-percent Federal funding of public service employment for family assistance recipients, and that it can even be as high as 90-percent Federal subsidy the first 2 years. So one part of the administration is going along with a Federal share of 80-percent-plus, while the Department of Labor has asked for a more restrictive proposal in the manpower legislation.

The Ribicoff-Bennett plan was drafted to dovetail with the public service employment program in the manpower legislation. It provides that public service employment may be carried out under that act or under the manpower legislation. Correspondingly, the manpower bill includes language making clear that recipients of family assistance benefits are eligible for public service employment programs carried out by States, counties, or cities or other public agencies under the manpower legislation.

Let me express my candid fear about a public service employment program which is limited only to welfare jobs. I think that it is important that other unemployed workers be able to participate in enhancing the quality of public services for our society. The manpower legislation's public service employment program would be for unemployed persons—not only those on public assistance.

It is our understanding that the Department is recommending a veto of the landmark legislation because it contains language concerning public service employment that the administration has accepted in the Ribicoff-Bennett family assistance plan.

The issue concerns the Labor Department's authority over public service employment programs.

In both the manpower legislation and the Ribicoff-Bennett amendments, language requiring maximum promotion and advancement of public service employees is included. But no compulsory cutoff of funds is required if better jobs are not available.

The Department is recommending a veto, we are told, because Congress rejected departmental language to require cutting the funds of States, cities, and counties for failing to meet quotas set by the Secretary, for removing persons from public service jobs.

During a time of high unemployment, for people whose employment is uncertain in the best of times, and in rural areas and inner city neighborhoods where jobs are always scarce, Congress feared that such objectives and penalties might be used to create simply another training program with salary replacing stipend and leading to no solution to the crisis in jobs.

I think both the Senate and the administration should be aware of the serious consequences which will result if the bill is vetoed.

EXTENSION OF TIME TO FILE COMMITTEE REPORT

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking and Currency have until midnight tonight to file a report on S. 4268, to amend the Export-Import Bank Act of 1945 as amended, to allow for greater expansion of export trade of the United States, to exclude bank receipts and disbursements from the budget of the U.S. Government, and for other purposes.

I also ask unanimous consent that individual views be made a part of this report.

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

DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. EAGLETON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 19885, and I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate H.R. 19885, an act to provide additional revenue for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was read twice by title.

Mr. EAGLETON. Mr. President, I send to the desk an amendment in the nature of a substitute for H.R. 19885.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The legislative clerk read as follows: Strike out all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "District of Columbia Revenue Act of 1970".

SEC. 101. This title may be cited as the "District of Columbia Federal Payment Authorization Act of 1970."

TITLE I—FEDERAL PAYMENT

SEC. 102. Regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the Government of the District of Columbia, and such annual payments, when appropriated, shall be paid into the general fund of the District of Columbia. The annual payment so authorized shall be an amount which is equal to 30 percent of all general fund revenues derived from taxes, charges, and miscellaneous receipts, including that part of the motor vehicle registration fees which is credited to the general fund. Such authorization shall be based upon the estimate of such revenues which the Commissioner of the District of Columbia determines will be credited during each fiscal year to the general fund of the District of Columbia, but excluding any amount derived from grants and loans from the Federal Government to the District government.

SEC. 103. The Commissioner of the District of Columbia shall annually compute the amount of the Federal payment authorized to be appropriated under this title, and the amount of such authorization so computed shall be submitted to the Office of Management and Budget with each regular budget of the District of Columbia and, as approved by the Director of the Office of Management and Budget, shall be submitted to the Congress. Each such computation shall be determined on the basis of estimates of the tax revenues referred to in section 102 of this title which are expected to be credited to the general fund of the District of Columbia during the fiscal year for which the annual payment is being computed: *Provided*, That the amount so determined shall be subject to review after such fiscal year, and if the Federal payment appropriated on the basis of the amount so determined differs from the amount determined on the basis of revenues actually received and credited to the general fund, the Federal payment authorization for the second year succeeding such fiscal year shall be adjusted to the extent of such difference.

SEC. 104. Amounts authorized by section 102 of this title may be appropriated within fiscal year limitation.

SEC. 105. Article VI of the District of Columbia Revenue Act of 1947 (61 Stat. 361), as amended (D.C. Code, secs. 47-2501a and 47-2501b), is repealed.

SEC. 106. This title shall take effect with respect to fiscal years beginning on and after July 1, 1970.

TITLE II—LOAN AUTHORITY

SEC. 201. Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code,

sec. 9–220(b)(1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971, 1972, 1973 or 1974" and by striking out "6 per centum" and inserting in lieu thereof "10 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1974" and by striking out "6 per centum" and inserting in lieu thereof "10 per centum."

SEC. 202. Section 214 of title II of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43–1613) is amended by striking out "$32,000,000" and inserting in lieu thereof "$93,900,000."

SEC. 203. Subsection (a) of section 402 of title IV of such Act (D.C. Code, sec. 7–133(a)) is amended by striking out "$85,250,000" and inserting in lieu thereof "$146,800,000."

SEC. 204. Subsection (a) of section 2 of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system," approved June 2, 1950 (64 Stat. 195), as amended (D.C. Code, sec. 43–1540(a)), is amended by striking out "$35,000,000" and inserting in lieu thereof "$67,900,000."

SEC. 205. The increases in the borrowing authority of the District of Columbia made by this title shall be available to the Commissioner after June 30, 1974, in order to complete capital outlay projects approved prior to or during the fiscal year ending June 30, 1974.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

SEC. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f–2) relating of financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

(c) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

SEC. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

SEC. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

SEC. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purposes of this title.

SEC. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 310. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

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

TITLE IV—INDUSTRIAL SAFETY

SEC. 401. Title II of the Act of September 19, 1918 (D.C. Code, secs. 36–431—36–442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36–432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment", and

(B) by striking out in paragraph (d) "industrial".

(2) Section 3 of such title (D.C. Code, sec. 36–433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing buildings or other existing structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures.".

(3) Section 6 of such title (D.C. Code, sec. 36–436) is amended to read as follows: "The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty, and notwithstanding such variance that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation which shall be open to public inspection".

(4) Section 12 of such title (D.C. Code, sec. 36–442) is amended by striking out "more than $300, or by imprisonment of not exceeding ninety days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the police court of the District of Columbia" and inserting in lieu thereof the following: "less than $100 or more than $1,000, or by imprisonment of not more than ninety days. No forfeiture of collateral shall be permitted in any case involving a death at a place of employment, or the loss of any member of the body, including loss of eyesight, or an injury which prevents an employee from pursuing his employment for a period of at least five days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the District of Columbia Court of General Sessions by an assistant Corporation Counsel assigned to the Board."

SEC. 402. Section 11–742(a) of title 11 of the District of Columbia Code is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (10) the following new paragraph:

"(11) decisions of the Minimum Wage and Industrial Safety Board pursuant to section 36–436."

TITLE V—WATER AND SEWER RATES

SEC. 501. The third sentence of subsection (a) of section 101 of title I of the District of Columbia Public Works Act of 1954 (68 State. 101), as amended (D.C. Code, sec. 43–1520c (a)), is amended to read as follows:

"In computing the charge for consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to a change in water rates and ending thereafter, the charge for such excess consumption shall be based upon the rate in effect at the time the charge is rendered."

SEC. 502. Subsection (b) of section 101 of such Act (D.C. Code, sec. 43–1520c(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of subsection (a) of this section, the District of Columbia Council is authorized from time to time to fix the rates charged by the District for water and water services furnished by the District water supply system, at such amount as the Council, on the basis of a recommendation made by the Commissioner, determines is necessary to meet the expense to the District of furnishing such water and water services."

SEC. 503. Section 207 of title II of such Act (D.C. Code sec. 43–1606) is amended (a) by striking out in subsection (a) ", but such percentage shall not exceed 75 per centum of the water charge"; (b) by striking out in subsection (b) ", but such percentage shall not exceed 75 per centum of such rates"; (c) by striking out in subsection (d) "not more than 75 per centum of the water charge" and inserting in lieu thereof "the amount"; and (d) by adding the following subsection:

"(e) The District of Columbia Council is authorized, in its discretion, from time to time to establish one or more sanitary sewer service charges at such amount as the Council, on the basis of a recommendation made by the Commissioner, finds is necessary to meet the expense to the District of furnishing sanitary sewer services, including debt retirement."

SEC. 504. Subsection (c) of section 208 of title II of such Act (D.C. Code, sec. 43–1607 (c)) is amended to read as follows:

"(c) In computing the charge for sanitary sewer service, if such charge is for a period beginning prior to a change in the established sanitary sewer service charge and ending thereafter, the charge shall be based on the rate in effect at the time the charge is rendered."

TITLE VI—DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENT

SEC. 601. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "any election" and inserting in lieu thereof "the presidential election".

Mr. EAGLETON. Mr. President, as passed by the House of Representatives, H.R. 19885, the District of Columbia Revenue Act of 1970, contains provisions which will provide additional funds for the District of Columbia in the form of an increase in the Federal payment, an increase in borrowing authority, and an increase in taxes.

In addition, the bill contains numerous provisions dealing with other aspects of the District of Columbia. For example, there are sections of the bill dealing with the D.C. Milk Act, restrictions on the District of Columbia minimum wage, the exemption of certain employees from the overtime provisions of the District of Columbia minimum wage law, and the divisions of land-grant funds between Federal City College and the Washington Technical Institute.

The amendment which I have sent to the clerk is in the nature of a substitute for H.R. 19885, and it contains six titles.

The first title provides for an annual Federal payment to the District that is equal to 30 percent of the general fund revenues of the District of Columbia.

The second title provides for an increase in the loan authority of the District of Columbia general fund, the highway fund, the sanitary sewage fund, and the water fund.

The third title provides funds for the private medical and dental schools located in the District of Columbia.

The fourth title provides for the extension and strengthening of the District of Columbia industrial safety law.

The fifth title grants the authority to the District of Columbia City Council to set water and sanitary sewer rates.

The sixth title changes the District of Columbia Alcoholic Beverage Control Act to allow the sales of alcoholic beverages after the polls close on all election days in the District of Columbia, excepting Presidential elections.

Mr. MATHIAS. Mr. President, I send an amendment to the desk to the substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maryland will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. 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, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

TITLE ——REAL ESTATE INVESTMENT TRUSTS

SEC. —. Title II of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b) is amended by inserting after paragraph (16) of section 3a the following new paragraph:

"(17) REAL ESTATE INVESTMENT TRUSTS.—In the case of a real estate investment trust as defined in section 856 of the Internal Revenue Code of 1954, which meets the requirements of section 857(a) of the Internal Revenue Code of 1954, the dividends paid by the real estate investment trust which qualify for the dividends-paid deduction under section 857(b)(2)(c) and section 857(b)(3)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 858 of the Internal Revenue Code of 1954."

SEC. —. This title shall apply with respect to taxable years of real estate investment trusts beginning after December 31, 1970.

Mr. MATHIAS. Mr. President, this amendment is for the sole purpose of equating real estate trust tax treatment in the District of Columbia with that accorded mutual funds in the District.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The amendment in the nature of a substitute as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill (H.R. 19885) was read the third time, and was passed.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. MATHIAS, and Mr. SPONG conferees on the part of the Senate.

ORDER FOR RECESS UNTIL 9 A.M. ON THURSDAY, FRIDAY, AND SATURDAY THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the rest of the week the Senate stand in recess at the conclusion of business each night and meet at 9 a.m. on Thursday, Friday, and Saturday.

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

ORDER FOR THE CALL OF THE CALENDAR ON UNOBJECTED-TO ITEMS TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that each day this week at the conclusion of the approval of the Journal it be in order that unobjected-to items on the calendar may be considered.

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

PRIVILEGE OF THE FLOOR

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the following members of the staff of the Senator from North Dakota (Mr. MCGOVERN) have the privilege of the floor during the consideration of H.R. 17550: Nancy Amadei and Kenneth Schlossberg.

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

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate resumed the consideration of the bill (H.R. 17550), an act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. LONG. Mr. President, H.R. 17550, the social security amendments of 1970, is truly a monumental bill. In terms of dollars, the $10 billion of benefits provided by this bill make it the most significant social insurance legislation Congress has ever considered. In terms of

people, the impact of the bill—considered as a whole—is even more impressive. Not only does the measure directly affect the lives of 26 million social security beneficiaries but also it provides welfare increases for 3 million aged, blind, and disabled welfare recipients and pension increases for 1,600,000 needy veterans and their widows.

In addition, through the trade amendments included in this bill more than 2,500,000 textile and shoe employees will receive a sense of job security directly from the bill and tens of millions more employees will find comfort in the new rules governing Tariff Commission investigations of injury resulting from increased imports.

Under the amendments to upgrade the work incentive plan, the bill offers the hope of independence to 2 million persons who today are unable to qualify for gainful employment and must suffer the indignity of dependence on welfare to sustain themselves and their families.

Mr. President, the Committee on Finance has added important new titles to the bill—one dealing with international trade matters, and another which includes a substantial test of various alternatives to the welfare mess and offers significant reforms in the programs of aid to the aged, blind, and disabled. This latter part of the bill also reaffirms the intent of Congress in several areas regarding eligibility for welfare—areas where the courts have misconstrued the welfare statutes with resulting large increases in welfare caseloads.

These new titles are added to the bill with a single thought in mind—to expedite the legislative process. It is axiomatic that one bill can be acted on in less time than three. The committee was advised that amendments to add the trade bill and amendments to add the family assistance plan to this bill would be offered during the debate on the bill. They all look on this social security bill as a measure that is going to be presented to the President and that fact makes the bill a prime target for controversial amendments late in the session.

There are Senators on the Finance Committee who favored these amendments and there are others who oppose them. We spent considerable time discussing procedures for acting on the bill and in the final analysis it was agreed that we would vote on the questions in committee. The crucial motion to add the family assistance plan was rejected by a 6-to-10 vote of the committee. The crucial vote on the trade bill came as a motion to separate it from the social security bill. The motion failed by a vote of 6 to 11.

So the bill as reported by the committee does not include the family assistance plan but it does include the trade bill. The basic matters covered by the trade amendment are not new to the Senate. Nonetheless, the committee decided unanimously to interrupt its executive sessions and hold public hearings on the trade amendments before we voted on them.

I had been urged previously by 15 or so Senators to hold hearings on this bill before the committee acted. Among those signing the request was the senior Senator from New York. During our 2 days of hearings the committee heard from the Office of Special Trade Representative, the Secretary of Commerce, the Secretary of State, the Director of the Office of Emergency Preparedness, the Assistant Secretary of Agriculture, and a number of broad-based trade associations who had expressed interest in testifying. While we did not have time to hear all those whom we would have wished to hear, the committee members did get a clear indication of the administration's position on this bill and also of the position of many interested parties.

The committee members studied intently the massive volume of statements submitted for the record. We also had available to us 16 volumes of House hearings on this matter, which took over 1 month of public testimony, the hearings of the Committee on Finance held in 1967, which covered some 1,200 pages of testimony, and the committee's oversight review of U.S. trade policy in 1968 covering another 1,000 pages of submitted documents.

Considering the features of the bill which revise the social security tax structure it is a fair statement that H.R. 17550 literally reaches into every home in America.

The following chart indicates the value of benefits included in H.R. 17550 as reported by the Committee on Finance, and the number of persons affected by them.

CHART 1.—INCREASED BENEFITS UNDER H.R. 17550

	1st full year cost	Number of persons affected
Social security:		
Cash benefits	$6,500,000,000	26,000,000 beneficiaries.
Medicare	100,000,000	20,000,000 persons covered.
Catastrophic illness	2,200,000,000	170,000,000 persons covered.
Subtotal	8,800,000,000	
Welfare:		
Aid to the aged, blind, and disabled	300,000,000	3,000,000 aged, blind, and disabled persons.
Child care, family planning, work incentive program (including tax credit).	700,000,000	About 2,000,000 mothers receiving welfare.
Subtotal	1,000,000,000	
Veterans' pension increase	160,000,000	1,600,000 pensioners.
Total value of benefits in H.R. 17550	10,000,000,000	

Let me now describe the significant features of the committee bill, and I shall submit for the record a more detailed summary of the provisions of the bill.

The committee bill provides $6,500,000,000 of additional benefits under the cash portion of the social security program.

INCREASE IN SOCIAL SECURITY BENEFITS

Under the committee bill, social security payments to the nearly 26 million beneficiaries on the rolls at the end of January 1971, and to those who come on the rolls after that date, would be increased by 10 percent, with a new minimum benefit of $100.

The House-passed bill would have increased benefits by 5 percent, with a minimum benefit of $67.20. The committee increased the minimum social security benefit from the $67.20 in the House bill to $100 in order to provide substantial help for those who have the greatest need—those whose social security benefits are so low that if they have no other income—and most do not—they are unable to meet their basic everyday needs for food and shelter.

Under present law monthly benefits for workers who retire at age 65 in 1971 now range from $64 to $193.70; under the House-passed bill they would range from $67.20 to $203.40; under the committee bill they would range from $100 to $213.10. Benefits for a couple in January 1971 would average $198 under present law; under the House-passed bill they would average $217; under the committee bill they would be increased to $233. For a widowed mother with two children, the average benefit for January 1971 under present law would be $295; under the House-passed bill it would be $311; under the committee bill it would be $331. The benefit increase would mean additional benefit payments of $5,000,000,000 in the first year.

Although the benefit increase will be effective for January 1971, the Social Security Administration advises us that legislation this late in the year makes it impossible to get the increased benefits into the hands of the beneficiaries with the regular check that goes out on February 3. They need about 3 months to adjust their records and computers before they can pay at the new rates.

Therefore, the first check at the new rates will be sent out on April 3, and later in the month another check representing the retroactive increase for January and February will be sent out. This is the same procedure followed last year when a benefit increase was effective for January, but was not paid until April.

Mr. President, this chart compares the benefits under the committee bill with the benefits available under present law and those which would have applied under the House bill for a single person and a married couple with various levels of earnings.

CHART 2.—ILLUSTRATIVE MONTHLY BENEFITS PAYABLE UNDER PRESENT LAW, UNDER THE HOUSE BILL, AND UNDER THE SENATE FINANCE COMMITTEE BILL

Average monthly earnings	Benefit amount					
	Worker			Couple		
	Present law	House bill	Committee bill	Present law	House bill	Committee bill
$76	$64.00	$67.20	$100.00	$96.00	$100.80	$150.00
113	90.60	95.20	100.00	135.90	142.80	150.00
150	101.70	106.80	111.90	152.60	160.20	167.90
250	132.30	139.00	145.60	198.50	208.50	218.40
350	161.50	169.60	177.70	242.30	254.40	266.60
450	189.80	199.30	208.80	284.70	299.00	313.20
550	218.40	229.40	240.30	327.60	344.10	360.50
650	250.70	263.30	275.80	376.10	395.00	413.70
750		283.00	296.00		424.50	444.00

INCREASE IN FAMILY MAXIMUMS

The committee bill also corrects a discrimination under which families already on the rolls at the time of enactment of a social security increase get the increase while those coming on the rolls in the future are denied it. Under our bill, all families will benefit from this increase and from future increases without regard to when they become eligible for benefits.

COST-OF LIVING INCREASES

Once the benefits are brought up to date, they need to be kept up to date. And while the Congress has in the past acted to maintain social security benefits at realistic and adequate levels, there have been lags in legislation during times of rapidly rising prices. The automatic cost-of-living increases provided in H.R. 17550 will insure that such lags in benefit increases will not occur in the future.

While the committee is in agreement with the sense of the House bill as to the desirability of an automatic adjustment in social security benefits, the committee bill revises the House text to stress the role of the Congress in setting social security tax and benefit levels. Under the committee bill, social security benefits would rise automatically as the cost of living goes up in the event Congress failed to legislate on social security benefits or taxes. The full cost of the automatic benefit increases would be met equally by increases in tax rates and in the tax base which would go into effect at the same time that benefits are increased, with the strictly actuarial function of determining the base and the rates being performed by the Secretary of Health, Education, and Welfare.

The committee bill provides that the automatic increases would go into effect unless Congress acts otherwise to effect a change in social security benefit levels, a change in the schedule of social security tax rates, or a change in the social security tax base. In effect, we are guaranteeing that congressional inaction will not prevent automatic social security hikes in periods of rising prices.

SPECIAL PAYMENTS TO PEOPLE AGE 72 AND OLDER

Under present law, special payments of $46 a month for an individual and $69 for a couple are made to people age 72 and over who have not worked under the program long enough to qualify for regular cash benefits. This is the so-called Prouty amendment of 1966. Under the committee bill, as under the House bill, the payments would be increased January 1, 1971, by 5 percent, to $48.30 a month for an individual and $72.50 for a couple.

LIBERALIZATION OF THE RETIREMENT TEST

Another important feature of the committee bill makes significant improvements in the retirement test. These improvements—which were also in the House bill—provide an increase from $1,680 to $2,000 in the amount a beneficiary under age 72 may earn in a year and still be paid full social security benefits for that year. The change reflects increases in earnings levels that have occurred since the present amount of $1,680 was set in 1967. The bill also provides for automatic upward adjustments of the amount in the future as earnings levels rise, thereby making it unnecessary for Congress to act in the future to keep the earnings exemption in line with raises in wage levels generally.

Under present law, each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each dollar earned above $2,880 reduces benefits by $1. This dollar-for-dollar reduction that applies to earnings above $2,880 reduces incentives for beneficiaries to work. The committee bill would provide for a $1 reduction for each $2 earned with respect to all earnings above $2,000, so that the more a beneficiary works and earns, the more spendable income he would have. The bill would also increase from $140 to $166.66 the amount of wages the beneficiary may earn in a given month and get benefits for that month, regardless of his annual earnings.

In 1971 about 650,000 beneficiaries would receive additional benefits, and about 380,000 persons who would receive no benefit under present law would receive some benefits as a result of the retirement test liberalizations. The additional benefit payments for the first full year would be about $404,000,000.

INCREASED WIDOW'S AND WIDOWER'S INSURANCE BENEFITS

Both the House bill and the committee bill are aimed at providing benefits to a widow equal to the benefits the widow's deceased husband was receiving or would have received. Unfortunately, the way the House bill was written a widow could actually receive a benefit substantially higher than her husband received before his death. Generally, under the committee bill the widow would receive either 100 percent of the benefit her husband was actually receiving at the time of his death, or, if he was not receiving benefits, 100 percent of the benefit he would have been eligible for at age 65.

About 2,700,000 widows and widowers on the rolls at the end of January 1971 would receive additional benefits, and $649,000,000 additional benefit payments would be made in the first full year.

AGE 62 COMPUTATION POINT FOR MEN

Under the present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. These differences, which provide special advantages for women, would be eliminated by applying the same rules to men as now apply to women.

Under the committee's bill, there would be a gradual transition to the new procedures. The age 62 computation would apply only to those becoming entitled to benefits in the future; the number of years used in determining insured status and in computing benefits for men would be reduced in three steps so that men reaching age 62 in 1973 and later would have only years up to age 62 taken into account in determining insured status and average earnings.

In the first full year, an additional $6,000,000 in benefits would be paid out under this provision. This amount will scale upward in future years, eventually involving $1,000,000,000. Under the change in benefit eligibility requirements for men, some 2,000 people—workers, their dependents and survivors not eligible under present law—would be added to the rolls in the first year.

ADOPTIONS

The committee simplified the adoption rules in present law so that eligibility of children adopted by retired workers and children adopted by disabled workers would be determined under common rules. Under the committee bill, a child who is adopted after a worker is entitled to benefits would be able to get child's benefits based on the worker's earnings if: First, the adoption was decreed by a court of competent jurisdiction within the United States; second, the child lived with the worker in the United States for the year before the worker became disabled or entitled to an old-age or disability insurance benefit; three, the child received at least one-half of his support from the worker for that year; and fourth, the child was under age 18 at the time he began living with the worker.

These simplified rules will bring considerable equity to a very complex area of the law and eliminate the need for many special purpose amendments in the future.

PROVISIONS RELATING TO DISABILITY

Under present law, there is a 6-month waiting period before a disabled person is eligible for social security disability insurance benefits. However, the month of disablement does not count as part of the waiting period. Also, the check for the month following the waiting period is not paid until the next month. This has caused considerable hardship to disabled people, particularly those suffering a terminal illness. The committee's bill would reduce the waiting period from 6

months to 4 months. About 140,000 people—disabled workers and their dependents and disabled widows and widowers—would be able to receive a benefit for January 1971 as a result of this provision. About $185 million in additional benefits would be paid out during the first full year.

DISABILITY OFFSET

The committee deleted the provision in the House bill which would have raised the ceiling on income from combined workmen's compensation and social security disability insurance benefits from 80 percent to 100 percent of the disabled worker's average current earnings before the onset of his disability. The objective of the offset provisions is to avoid the payment of combined amounts of social security benefits and workmen's compensation payments that would be excessive in comparison with the beneficiary's earnings before he became disabled. Although the committee agrees with the compassionate objective of the House bill, it feared the combination of first, payments equal to past wages, plus, second, tax exemption for these amounts, could result in payments in excess of prior take-home pay and this could jeopardize efforts to rehabilitate the worker and restore him to gainful employment. The committee was of the opinion that the best interest of the disabled worker in his own rehabilitation.

MEDICARE AND MEDICAID

During the past 2 years, the committee has devoted an extensive and almost disproportionate share of its time to determining and evaluating the many problems in the huge medicare and medicaid programs.

Parenthetically, it might be worthwhile to mention that during our years of work we have shared with the Committee on Ways and Means information we have developed. The Committee on Ways and Means, in turn, has given us the benefit of their efforts.

The medicare and medicaid programs are here to stay. With that in mind, it was more important than ever for the committee to act to correct the problems which our work revealed. The House, in its bill, attempted to and did develop solutions to some of the important problems. We accepted, and in some instances, improved upon amendments in the House bill designed to bring medicare and medicaid costs under control. We have also added amendments to further achieve the common objectives of both the House and Senate—reasonable and equitable controls on the costs and utilization of health care services with the minimum amount of redtape.

We believe the amendments of the House and those added by the Finance Committee will go a very long way toward assuring the taxpayers and the millions of citizens who depend upon medicare and medicaid that those programs will function more effectively and economically in delivering quality health care.

Let me describe the more important features of this part of the committee's bill.

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

My distinguished colleague from Utah (Mr. BENNETT) has worked very hard on the provision in the committee's bill that provides for the establishment and use of professional standards review organizations. I would not wish to let this opportunity go by without recognizing his outstanding efforts in developing this provision.

Under this provision, professional standards review organizations would be established to review the utilization of health care provided under the medicare and medicaid programs. The Secretary of Health, Education, and Welfare would, after consultation with national and local health professions and agencies, designate appropriate areas throughout the Nation for which professional standards review organizations would be established. Areas may cover an entire State or parts of a State, but generally a minimum of 300 practicing doctors would be included within one area.

Organizations representing substantial numbers of physicians in an area, such as medical foundations and societies, would be invited and encouraged to participate. Where the Secretary finds that such organizations are not willing or cannot reasonably be expected to develop capabilities to carry out professional standards review organization functions in an effective, economical, and timely manner, he would enter into agreements with such other agencies or organizations with professional competence as he finds are willing and capable of carrying out such functions.

The Secretary would approve those organizations which can reasonably be expected to improve and expand the professional review process. The initial approval would be made on a conditional basis, not to exceed 2 years, with the review organizations operating concurrently with the present review system. During the transitional period, medicare carriers and intermediaries are expected to abide by the decision of the professional standards review organization where the professional standards review organization has acted. This reliance will permit a more complete appraisal of the effectiveness of the conditionally approved professional standards review organization. Where performance of an organization is unsatisfactory, and the Secretary's efforts to bring about prompt necessary improvement fail, he could terminate its participation.

Provider, physician, and patient profiles and other relevant data would be collected and reviewed on an ongoing basis to the maximum extent feasible to identify persons and institutions that provide services requiring more extensive review. Regional norms of care would be used in the review process as routine checkpoints in determining when excessive services may have been provided. The norms would be used in determining the point at which physician certification of need for continued institutional care would be made and reviewed. Initial priority in assembling and using data and profiles would be assigned to those areas most productive in pinpointing problems so as to conserve physician time and maximize the productivity of physician review.

The professional standards review organization would be permitted to employ the services of qualified personnel, such as registered nurses, who could, under the direction and control of physicians, aid in assuring effective and timely review. They would also be authorized to use the services of effective hospital utilization review committees and local medical society review committees in performing their tasks.

Where advance approval by the review organizations for institutional admission is required, such approval would provide the basis for a presumption of medical necessity for purposes of medicare and medicaid benefit payments. Failure of a physician, institution, or other health care supplier to seek advance approval, where required, could be considered cause for disallowance of affected claims.

In addition to acting on their own initiative, the review organizations would report on matters referred to them by the Secretary. They would also recommend appropriate action against persons responsible for gross or continued overuse of services, use of services in an unnecessarily costly manner, or for inadequate quality of services and would act to the extent of their authority or influence to correct improper activities.

A National Professional Standards Review Council would be established by the Secretary to review the operations of the local area review organizations, advise the Secretary on their effectiveness, and make recommendations for their improvement. The Council would be composed of physicians, a majority of whom would be selected from nominees of national organizations representing practicing physicians. Other physicians on the Council would be recommended by consumers and other health care interests.

INSPECTOR GENERAL FOR HEALTH ADMINISTRATION

We on the committee have been increasingly concerned about making sure that the medicare and medicaid programs operate effectively and as Congress intends. I know other Members of the Congress and the people who administer these programs have been concerned, too. But these programs are very complex and far reaching and sometimes the review processes being used cannot identify problems or discrepancies as soon as we all would like. And sometimes there is no way to promptly correct the problems that have been found.

I want to commend two distinguished members of the committee—the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Delaware (Mr. WILLIAMS)—who sponsored a provision in the committee bill that will go a long way to alleviate our concern about these difficulties. The provision will establish an Office of Inspector General for Health Administration within the Department of Health, Education, and Welfare.

His responsibilities will be patterned after the successful approach by the Agency for International Development and the investigative responsibilities, with respect to congressional requests, required of the U.S. Tariff Commission. In carrying out his responsibilities, he will not be under the control of any officer of Health, Education, and Welfare other than the Secretary, and he will be provided with sufficient authority to make sure that medicare and medicaid function as Congress intends. He will continuously review these programs, and any other health programs established under social security, to determine their efficiency and economy of administration, their compliance with the law, and the extent to which the objectives and purposes for which they were established are being realized.

He will recommend ways to correct deficiencies or to improve these programs. And he will have the authority to suspend regulations, or practices or procedures which he finds not in harmony with congressional intent or which will lead to inefficiency and waste. It is important to have a mechanism for dynamic and ongoing review of these programs, and that the person with this responsibility be at a level where he can promptly call attention to problems and deal with them in a timely and effective fashion. Armed with the authority provided under this provision, I believe the voice of the Inspector General will be effective in improving the efficiency and economy with which the medicare and medicaid programs of the Department of Health, Education, and Welfare are administered.

WAIVER OF NURSING REQUIREMENTS IN RURAL HOSPITALS

Several members of the committee were concerned about the problem created by the need to assure the availability of hospital services of adequate quality in rural areas and the fact that existing shortages of qualified nursing personnel generally make it difficult for some rural hospitals to meet the nursing staff requirements in present law. The committee has attempted to resolve this problem by including in the bill a provision that would allow the Secretary, under certain conditions, to waive the medicare requirement that a hospital have registered professional nurses on duty around the clock. This requirement could be waived only if: first, the hospital has at least a registered nurse on the daytime shift; second, has made, and is continuing to make, a real effort to hire enough nurses to meet the requirements, and third, is unable to employ qualified personnel because of nursing shortages in the area. Also, the hospital must be located in an isolated geographical area in which hospital facilities are in short supply and the closest other facilities are not easily accessible to people of the area. And finally, it must be known that nonparticipation of the hospital would seriously reduce the availability of hospital services to medicare beneficiaries living in the area.

The Secretary would, of course, regularly review the situation with respect to each of these hospitals and the waiver would be granted on an annual basis for a period of only one year. This waiver would apply only to the nursing staff requirements and would expire on December 31, 1975.

PROFICIENCY TESTING OF HEALTH PERSONNEL

In 1967 the committee recommended that the Secretary of Health, Education, and Welfare consult with appropriate professional health organizations and State health agencies to explore, develop, and apply appropriate means—including testing procedures—for determining the proficiency of health care personnel otherwise disqualified or limited in responsibility under regulations of the Secretary.

The Department has taken little or no action, except with respect to directors of clinical laboratories, in developing proficiency testing and training courses. The personnel problems which existed in 1967 and which the committee sought to correct have been aggravated as a result of the Department's continued inaction.

We are all aware of the acute shortage of nursing personnel in America. This has forced many hundreds of nursing homes to cover some shifts with "waived" practical nurses. These are practical nurses, who do not have the required formal training, and who, in many States, have been licensed on a waivered basis. Undoubtedly, a substantial proportion of these practical nurses, who have years of experience, are competent, but they do not meet the medicare and medicaid charge-nurse requirements. Therefore, unfortunately, many otherwise-qualified nursing homes are being or soon may be forced out of the medicare program be cause of the unavailability of a registered nurse or a licensed practical nurse who meets the medicare requirements. Similar problems exist with respect to physical therapists, medical technologists, and psychiatric technicians.

The committee has therefore added to the House bill a provision which requires the Secretary to explore, develop, and apply appropriate means of determining the proficiency of health personnel disqualified or limited in responsibility under present regulations. The committee expects that the Secretary will regularly report to it and to the Committee on Ways and Means of the House of Representatives concerning the progress in this area.

REIMBURSEMENT OF PHYSICIANS IN TEACHING HOSPITALS

The committee is aware that a major problem—of almost scandalous proportions—in medicare administration is the payment under part B on a fee-for-service basis for the services of "supervisory" physicians in teaching hospitals—services which in many instances were never rendered by the physician in whose name they were billed. We estimate these payments to be more than $100,000,000 annually and in general, such payments were not made prior to medicare. It certainly was not the intent of Congress that medicare cover noncustomary charges. The Comptroller General of the United States has sent several disturbing reports to the committee that document and detail the problems in this area.

The House bill attempts to deal with this problem by providing for payment under part B—physician's bills—for services of certain teaching physicians on a cost rather than a charge basis. Payment on a fee-for-service basis would only be made if there is general billing for such services to all patients and collection from those able to pay.

The committee believes, and has amended the House bill to provide, that payments for services furnished by supervisory physicians in teaching hospitals should be made on a cost basis under part A—hospital insurance—unless the patient is truly a private patient or unless the hospital since 1965 has charged all patients in full, including the medicare deductible and coinsurance amounts, and has collected from at least half of them. For donated services of teaching physicians a salary cost would be imputed equal to the average cost of salaried physicians.

LIMITS FOR DETERMINING REASONABLE CHARGES FOR PHYSICIANS' SERVICES

Another specific concern of the committee has been the threat that continuing increases in physicians' fees pose to the effectivness of the medicare program. We certainly recognize that there are complex reasons for these increases. Part of the problem is that more and more people are seeking medical care and the number of doctors is not increasing fast enough to keep up with the demand. But something must be done.

The House bill which the committee approves without change moves in the direction of an approach to reimbursement of physicians that ties recognition of fee increases to some reasonable index that reflects what is happening in the rest of the economy, thereby limiting recognition of increases in charges to amounts that economic data indicate would be fair to all concerned. Under this approach, recognition of fee increases would continue, but only in relation to things that are happening in other parts of the economy that have a bearing on the physician's cost of doing business. What is proposed is not a limit on what a physician may charge under the medicare program, but rather a limit on what the program will recognize as the prevailing fee in the locality. Thus, a limitation would be imposed only where a physician's charges are significantly higher than the usual or prevailing charge in the locality for the same service, or where a physician raises his customary charge significantly above former levels.

This is not an effort to penalize any group in the health care delivery system or to interfere with anyone's right to receive just compensation for their services. The objective is to move toward a system of determining reasonable charges which will be related to the general state of the economy. Indexes will be developed to give recognition to such things as the cost of producing medical services, costs of living, and

earnings of other professional people. This approach should provide the individual physician with an objective measure of the fairness of increases in his charges.

LIMITS ON REIMBURSEMENT FOR CAPITAL EXPENDITURES

The committee also approved the provision in the House bill that would authorize the Secretary of Health, Education, and Welfare to withhold or reduce reimbursement amounts for depreciation, interest, and other expenses related to capital expenditures for plant and equipment in excess of $100,000 where such expenditures and equipment are determined to be inconsistent with State or local health facility plans. This feature is similar to a provision in the committee bill of 1967. Under this program, the Secretary would make agreements with States to utilize the services of qualified health planning agencies to help in administration of this provision. The agencies will submit findings and recommendations with respect to proposed capital expenditures that are inconsistent with the plans developed by these agencies.

The committee amended the provision to provide for appeal at the State level when negative decisions are made by the planning agencies. This provision would not impede the growth and expansion of hospitals and skilled nursing homes but would provide guidance to assure that future growth is achieved in a sensible, orderly manner. It should have little or no effect on most hospitals and nursing homes since additional facilities are generally constructed only in response to a need of the community. But this provision should discourage a hospital from acting without regard for the needs of the community.

LIMITATION ON COSTS RECOGNIZED AS REASONABLE

Under present law, providers of services are paid on the basis of reasonable cost. However, there are a number of problems that inhibit making a decision that the costs for a particular provider are not reasonable.

The committee is mindful of the fact that costs can and do vary from one institution to another as a result of differences in size, in the nature and scope of services provided, type of patient treated, the location of the institution, and various other factors affecting the efficient delivery of needed health services. It is also true, however, that costs can vary from one institution to another as a result of variations in efficiency of operation, or the provision of amenities in plush surroundings. The committee believes that it is undesirable, to reimburse health care institutions for costs that are the result of gross inefficiency in operation or provision of expensive services that are not medically necessary. These costs cannot properly be considered "reasonable" for purposes of payment under medicare and medicaid.

Accordingly, the committee approves the House provision which would give the Secretary new authority to set limits on costs recognized for certain classes of providers in various service areas. This new authority differs from existing authority in several ways and meets the particular problems identified above. First, it would be exercised on a prospective, rather than retrospective, basis so that the provider would know in advance the limits to Government recognition of incurred costs and have the opportunity to avoid incurring costs that are not reimbursable. Second, relatively high costs that cannot be justified by the provider as reasonable for the results obtained would not be reimbursable. Third, provision would be made for a provider to charge the beneficiary for the costs of items or services in excess of or more expensive than those that are determined to be necessary in the efficient delivery of needed health services.

ADVANCE APPROVAL OF CARE IN EXTENDED CARE FACILITIES AND HOME HEALTH CARE

One of the key problem areas in medicare has been the substantial number of retroactive denial of benefits for care provided in extended care facilities. I know that I have received many heartbreaking letters from people faced with tremendous bills for services they thought were covered by their medicare insurance.

To deal with the problem, the committee has modified the provision in the House bill which authorizes the Secretary of Health, Education, and Welfare to establish presumptive periods of coverage on the basis of a physician's certification for patients admitted to an extended care facility or started on a home health plan. Under the committee amendment, to the greatest extent possible, prior review and approval of physicians' certifications of patient need for extended care would be required. Unless the doctor's certification was specifically disapproved in advance, medicare coverage would apply and payment would be made for the lesser of: First, the initially certified and approved period, second, until notice of disapproval, or third, 10 days. The committee bill also provides for a similar advance approval approach to the determination of coverage and payment for home health services. The committee hopes that this amendment will help to solve the problem of retroactive denials that have been so burdensome to medicare beneficiaries.

ADDITIONAL SAFEGUARDS

The committee bill adds a number of significant features to the statute to protect the medicare program from abuses. One of these facilitates the recovery of overpayments by authorizing a lien in favor of the Government in the amount of the overpayment.

Another provides specific penalties for fraud and abuse of the program and makes it a criminal offense to solicit, offer, or accept bribes or kickbacks—including the rebating of a portion of a medicare or medicaid fee or charge for a patient referral.

Still another would give the Secretary authority to terminate payment for services rendered by an abusive provider of health and medical services—those who have made a practice of furnishing inferior or harmful supplies or services, engaged in fraudulent activities, or consistently overcharged for their services.

Along with these structural improvements in the medicare program the committee bill proposes new rules governing the reimbursement of physical therapists, speech therapists, occupational therapists, and other specialists such as social workers, medical records, librarians, and dieticians. Under the bill payments to these providers will be limited to a "salary-related" basis. In effect their payment will not be on a fee-for-service basis, but will be limited to the amount generally equal to the salary such a person would reasonably have been paid if he were an employee. Of course, adjustments are authorized for expenses incurred by these people as self-employed persons—office expenses, travel expenses, and the like.

A new system of publicizing deficiencies in health care facilities is also included in the committee bill. This information would enable physicians and patients alike to make sounder judgments about their own use of available facilities in the community and should also serve to speed up the process of correction of the deficiencies.

HEALTH MAINTENANCE ORGANIZATIONS

The bill as passed by the House would provide medicare beneficiaries with an option to have all covered services furnished or arranged for by a health maintenance organization—a group practice or other prepayment capitation plan. The administration has strongly advocated this approach to health care payment and arrangement, expressing the view that it would provide incentives to hold medicare costs down. Existing prepayment plans such as Kaiser in California and HIP—Health Insurance Plan—in New York have demonstrated an ability to provide comprehensive health care of good quality efficiently and economically. The administration in urging this amendment expressed the hope that it would expand availability to older people of the desirable characteristics of prepaid comprehensive health care.

The committee has been concerned that this new medicare option without sufficient controls could turn out to be an area of potential abuse of the program rather than a new benefit for older people. Therefore, the committee has amended the provision substantially to include safeguards with respect to reimbursement to health maintenance organizations and, of great importance, safeguards to protect and assure that the interests of medicare beneficiaries who choose this option are fully protected.

The committee amendments, generally, speaking, are technical in nature but their combined effect is to plug potential loopholes in the plan before they develop. With these amendments and with the direction to the Inspection General to oversee the implementation of the health maintenance organization's services the committee agrees that the cost-saving potentials of health maintenance organizations should be fully explored.

ADDITIONAL MEDICARE BENEFITS

The committee bill again recommends that the Senate add certain services of optometrists and chiropractors to the benefits available under medicare. In both instances, safeguards are provided to assure no deterioration in the quality of care provided under the program.

In addition, the bill provides that aged persons not eligible for hospital insurance may "buy in" to the program, paying the full cost of this new protection—$27 per month at the beginning. State and local governments could also buy in for their aged employees or retirees.

We have also provided for payment of doctor's bills associated with hospitalization in a Canadian hospital. This change should be quite helpful to people living along the border where local hospitals are not available.

ADMINISTRATIVE SIMPLIFICATION

The committee bill contains several features intended to ease and simplify the administration of the medicare program. An important example of this sort of change is the provision calling for uniform standards for nursing homes under medicare and medicaid. Under this provision a single set of health, safety, environmental, and staffing standards would apply and a single State agency would certify the facility both for medicare and medicaid. This change reflects the essential similarity between the care provided on a short term basis in extended care facilities under medicare and that provided on a long term basis in skilled nursing homes under medicaid.

Another considerable simplification concerns the present complex reimbursement formula for paying extended care facilities on a cost basis, with retroactive adjustments which cut back on allowances and makes everyone mad. Under the committee bill, the medicare program would be authorized to apply medicaid's skilled nursing home reimbursement rules to its own extended care facilities. This rule would be available where medicaid's rates are reasonably related to costs. It will give nursing home operators advance assurance of the amount of pay they can expect to receive for caring for medicare beneficiaries.

The committee bill also provides for experimentation with prospective reimbursement methods which might offer incentives to hold costs down or to produce services in the most efficient and effective manner. If these experiments are successful much of the difficulty with today's retroactive payment rules could be solved.

LIMITATION ON MEDICAID REIMBURSEMENT

Like the House, the Committee on Finance is concerned with the rapidly rising costs of medicaid and the overutilization of medicaid services. However, the approach taken by the House, of cutting off Federal matching funds for long term hospital and nursing home stays, seemed unnecessarily harsh. An alternative suggested by the committee would authorize the Secretary of Health, Education, and Welfare to reduce selectively the Federal matching rates for institutional care where professional review and medical audit procedures are inadequate or ineffective. States employing utilization review and medical audit functions properly would not be affected by this cutback provision. This appears to be a more equitable way of containing the costs of long term institutional care under medicaid than the House provision which would have automatically reduced Federal matching funds now available to the States for financing long term institutional care in general hospitals, mental hospitals, tuberculosis hospitals, and nursing homes without permitting the Secretary to exercise discretionary judgment.

INTERMEDIATE CARE FACILITIES

Another amendment, authorizing intermediate care under medicaid rather than under title XI, as at present, emphasizes that intermediate care facilities are institutions providing health-related services below the level of skilled nursing homes. For the first time, it would make such care, now limited to those receiving or eligible for cash assistance, available under medicaid to the medically indigent. Intermediate care would cover those requiring institutional care beyond residential care and who would, in the absence of such care, require placement in a skilled nursing home or mental hospital. These facilities would be required to have at least one full-time licensed practical nurse on their staffs. Additionally, subject to appropriate requirements, intermediate care would also be available to mentally retarded persons in public institutions. Because the committee felt that present review requirements are insufficient, States would be required to provide assurance to the Secretary that appropriate and effective utilization review and medical audit procedures are being applied to intermediate care, as is already required for patients in skilled nursing homes.

MENTALLY ILL

One area where we have put off too long the provision of Federal aid for badly needed hospital care concerns the treatment of mentally ill children. Many of these poor unfortunates could be helped to a better life if adequate care is provided for them in their youth. I am pleased that the committee agreed with me when I offered an amendment to provide medical treatment for them. Under this amendment Federal matching payments would be authorized under medicaid to States for care of mentally ill children under 21 years of age in public mental institutions. Such funds would be available where States maintained their present fiscal effort, for patients in accredited mental hospitals who are undergoing a program of active medical treatment. Presently, such Federal matching is authorized only for persons 65 or over.

MEDICAID'S UNIFORMITY RULES REVISED

Under present law, all medicaid recipients in a State must be eligible for the same scope of services, and the services must be available throughout the State. Present title XIX requirements for "statewideness" of amount, duration, and scope of benefits have created problems for States who want to contract with organizations, such as neighborhood health centers or prepaid group practices, to provide services to title XIX recipients. The services are often broader in scope than those available under medicaid, but are not available throughout the State.

A committee amendment facilitates arrangements with comprehensive health organizations and health groups offering services different from those in the regular State medicaid plans.

It also makes it possible for States to utilize reasonable uniform deductibles and copayment features in their medicaid plans for the medically indigent without requiring that they also apply to the welfare recipients covered by the plan. This will help make it possible to control excess utilization if a State requires the medically indigent to share a reasonable part of the cost of their own care.

MEDICAID MAINTENANCE OF EFFORT

The committee approved the provision in the House bill to repeal the requirement that all States must move toward a comprehensive medicaid program by 1977. In addition, the committee bill would repeal the provision requiring that States maintain their efforts by not cutting back on the amount they spend for medicaid from 1 year to the next. The committee believes that States should be allowed to decide how extensive a medicaid program they desire.

PROTECTION AGAINST CATASTROPHIC ILLNESS

The Committee on Finance is concerned about the devastating effect which a catastropic illness can have on families unfortunate enough to be affected by such an illness. Over the past decades science and medicine have taken great strides in their ability to sustain and prolong life. Patients with kidney failure, which until recently would have been rapidly fatal, can now be maintained in relative good health for many years with the aid of dialysis and transplantation. Patients with spinal cord injuries and severe strokes can now often be restored to a level of functioning which would have been impossible years ago. Modern burn treatment centers can keep victims of severe burns alive and can offer restorative surgery which can in many instances erase the after effects of such burns.

These are but a few examples of the impact which recent progress in science and medicine has had. This progress, however, has had another impact. These catastrophic illnesses and injuries which heretofore would have been rapidly fatal and hence not too expensive financially, now have an enormous impact on a family's finances.

To deal with this situation, the committee has added to the House bill an amendment which would establish a catastrophic health insurance program beginning in January 1972 for all people under age 65 who are insured under social security, as well as their spouses and minor children. People under 65 who receive monthly social security benefits would also be eligible. People over 65 would not be covered since they have medicare which substantially meets the needs of all but a very small minority of beneficiaries.

It is estimated that only 20 to 30 percent of our people under 65 have insurance against the costs of catastrophic illness through major medical or comprehensive medical plans. I am very proud to be the sponsor of this amendment which I believe will go a long way towards lifting the financial burden from those who are already carrying the heavy load of sickness and despair.

The benefits provided under the catastrophic health insurance program would be the same as those currently provided

under parts A and B of medicare, except that there would be no upper limitations on hospital days, extended care facility days, or home health visits. The major benefits excluded from medicare, and consequently excluded from this proposal, are nursing home care, outpatient prescription drugs, dental care, and full inpatient and outpatient psychiatric coverage.

The deductibles in the plan would parallel the deductibles under parts A and B of medicare. There would be a hospital deductible of 60 days' hospitalization for each person and a supplemental medical deductible initially established at $2,000 per family.

After an individual is hospitalized for 60 days in 1 year, he would become eligible for payments toward his hospital expenses beginning on the 61st day of his hospitalization. Any posthospital extended care services which he subsequently received during that year would also be eligible for payment. After the hospital deductible is met, the program would pay hospitals substantially as they are presently paid under medicare, with the individual being responsible for a coinsurance payment equal to one-fourth of the inpatient hospital deductible as determined for medicare purposes. Extended care services would be subject to a daily coinsurance amount equal to one-eighth of the inpatient hospital deductible as determined for medicare purposes. If the program were in effect in January 1971 the coinsurance for a hospital day would be $15 a day, and for extended care services $7.50 a day.

The medical deductible would apply to the entire family. After a family had incurred expenses of $2,000 for physicians' bills, home health visits, physical therapy services, laboratory, and X-ray services, and other covered medical and health services, the family would become eligible for payments toward these expenses. After the $2,000 medical deductible has been met, the program would pay for 80 per centum of eligible expenses, with the patient being responsible for coinsurance of 20 per centum.

As in the medicare program, these coinsurance features are intended to limit program costs and to control the utilization of services.

The program would be administered by using carriers and intermediaries as in the present medicare program. Medicare's quality standards for institutions would also apply. Social security, with the cooperation of carriers and intermediaries, would determine when the deductibles have been satisfied. To keep the paperwork down, bills would not be accepted under the supplemental plan until they totaled $2,000 per family.

The committee estimates that more than 1 million families of the approximately 49 million families in the United States incur medical expenses which will qualify them to receive benefits under the program. The first year's cost of the program is estimated at $2,200,000,000 on a cash basis. A separate catastrophic insurance trust fund with its own employer-employee tax would be established to focus public and congressional attention closely on the cost and the adequacy of the financing of the program. Like the benefits, the tax would become effective January 1, 1972.

For people on public assistance and the medically indigent the catastrophic illness insurance program would be supplemental to the medicaid program in the same way that it will be supplemental to private insurance for other citizens. The benefit structure of medicaid varies from State to State, but in general it is a basic rather than a catastrophic benefit package.

I want to thank my fellow committee members for the very fine cooperation and assistance they have given me on this amendment. I believe this is a major step forward that will benefit all Americans.

FINANACING PROVISIONS

At the present time, the social security cash benefits program is in close actuarial balance, while the hospital insurance program has an actuarial deficiency. Unless hospital insurance taxes are raised substantially, the hospital insurance trust fund will be exhausted in 1972. To meet the cost of the cash benefits program as it would be expanded by the bill and to bring the hospital insurance program into actuarial balance, the contribution rates for the programs would be adjusted and the contribution and benefit base—the maximum amount of annual earnings subject to contributions and used in computing benefits—would be increased.

INCREASE IN THE CONTRIBUTION AND BENEFIT BASE

The bill provides for an increase in the ceiling on taxable and creditable earnings to $9,000, effective for 1971. This increase would take account of the increases in earnings levels that have occurred since 1968, when the $7,800 ceiling on earnings went into effect and would cover the total earnings of an estimated 79 per centum of all workers—the same percentage as the $7,800 base covered when it went into effect.

People earning amounts between $7,800 and $9,000 a year will pay taxes on an additional $1,200 of earnings. In return, of course, they will get credit for more earnings and will thus get higher benefits. The higher creditable earnings resulting from the increase in the ceiling on earnings will make possible benefits that are more reasonably related to the actual earnings of workers at the higher earnings levels. It the base were to remain unchanged, more and more workers would have earnings above the creditable amount and these workers would have benefit protection related to a smaller and smaller part of their full earnings.

CHANGES IN THE CONTRIBUTION RATES

Under the schedule of contribution rates for cash benetfis contained in the bill, the contribution rates for employers and employees scheduled for 1971–72 would be decreased from the 4.6 per centum provided for under present law to 4.4 per centum each.

The bill provides for increases in the contribution rate schedule for the hospital insurance program. The contribution rate scheduled for 1971–72 would be increased from 0.6 per centum each for employees, employers, and the self-employed to 0.8 per centum for 1971–72. The additional taxes for this part of the program will go far toward removing the large actuarial deficit of the hospital insurance program and would make that program financially sound.

The bill also provides for a contribution rate schedule to fully finance the catastrophic illness insurance provision added to the bill by the Finance Committee. The contribution rate schedule for catastrophic illness for 1972–74 would be 0.3 per centum each for employees, employers, and the self-employed.

For the benefit of Senators and others who are concerned with the long-range financing aspects of the social security and hospital insurance programs the following charts compare the combined tax rates and maximum tax payable under the committee bill, the present law and the House bill. I call attention to the fact that the rates under present law applies to maximum earnings of $7,800, while both the House bill and the committee bill apply to a wage base of $9,000.

I ask unanimous consent that the chart showing the tax rates and maximum taxes be printed in the RECORD.

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

SOCIAL SECURITY TAX RATES AND MAXIMUM ANNUAL TAXES UNDER PRESENT LAW, THE HOUSE BILL AND THE COMMITTEE BILL

Period	Tax rates (percent)			Maximum taxes		
	Present law	House bill	Committee bill	Present law	House bill	Committee bill
EMPLOYER-EMPLOYEE, EACH						
1971	5.2	5.2	5.2	$405.60	$468.00	$468.00
1972	5.2	5.2	5.5	405.60	468.00	495.00
1973–74	5.65	5.2	5.6	440.70	468.00	504.00
1975	5.65	6.0	6.35	440.70	540.00	571.50
1976–79	5.7	6.0	6.35	444.60	540.00	571.50
1980–85	5.8	6.5	7.0	452.40	540.00	630.00
1986	5.8	6.5	7.6	452.40	585.00	684.00
1987 and after	5.9	6.5	7.6	460.20	585.00	648.00
SELF-EMPLOYED						
1971	7.5	7.3	7.4	$585.00	$657.00	$666.00
1972	7.5	7.3	7.7	585.00	657.00	693.00
1973–74	7.65	7.3	7.8	596.70	657.00	702.00
1975	7.65	8.0	8.35	596.70	720.00	751.50
1976–79	7.70	8.0	8.35	600.60	720.00	751.50
1980–86	7.8	8.0	8.50	608.40	720.00	765.00
1987 and after	7.9	8.0	8.50	616.20	720.00	765.00

Mr. LONG. Let me also note for the record that the combined rate for cash benefits and hospital insurance is the same under the committee bill as under present law for 1971 and 1972 and is less than present law for 1973 and 1974. The catastrophic insurance tax is a new feature, which of course adds to the rate.

We have been assured that the financing provided under the committee bill is adequate to pay for all of the benefits—both the benefits provided under present law and the new benefits provided under the bill. Moreover, each of the separate trust funds will be soundly financed and over the next few years the total income to the program will be nearly $6,000,000,000 more than outgo, as compared with the more than $21,000,000,000 excess which would accrue under present law.

The following table compares the income, and outgo, of the social security funds over the next 3 years under present law and under the committee bill.

I would point out that under the committee bill, the assets and the reserve could gradually grow from $44.9 billion to $47 billion in 1973. I ask unanimous consent that the chart be printed in the RECORD.

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

PROGRESS OF THE OLD-AGE AND SURVIVORS INSURANCE, DISABILITY INSURANCE, HOSPITAL INSURANCE, AND CATASTROPHIC INSURANCE TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER FINANCE COMMITTEE BILL, 1971–73

[Cash basis; in billions of dollars]

Period	Income		Outgo		Net increase in funds		Assets, end of period	
	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill
Fiscal year 1972	$49.0	$52.8	$43.0	$50.5	$6.0	$2.3	$51.0	$44.9
Calendar year:								
1971	47.0	49.0	41.7	47.6	5.3	1.3	46.3	42.3
1972	50.0	55.3	44.2	53.3	5.7	1.9	52.0	44.2
1973	56.9	59.7	46.7	56.9	10.2	2.8	62.2	47.0

FINANCING THE AUTOMATIC PROVISION

Mr. LONG. As I mentioned earlier, benefits would be automatically adjusted to take account of increases in the cost of living. The cost of this increase would be met by increasing both the contribution and benefit base and the contribution rates so that each increase would meet one-half of the cost. The Secretary of Health, Education, and Welfare would determine how much the contribution and benefit base would have to be increased in order to finance one-half of the long-range cost of the proposed benefit increase, and how much contribution rates would have to be increased in order to finance one-half of the long-range cost of the proposed benefit increase. The Secretary would then publish in the Federal Register both the new, higher base and the revised contribution rate schedule, to be effective beginning January 1 of the year for which the benefit increase is effective.

Mr. President, now let me describe the additional matters contained in the committee bill.

THE TRADE ACT OF 1970

The committee approved the basic provisions of the House trade bill as an amendment to H.R. 17550, the social security legislation. The principal exceptions concern the export tax incentive called DISC and the repeal of the American selling price system of valuation.

Now, I will discuss the basic provisions of the amendment dealing with the foreign trade which was approved by the committee.

TRADE AGREEMENT AUTHORITY

The first aspect of the amendment deals with the extension of further tariff cutting authority to the President. The President has been without authority to reduce tariffs under the Trade Expansion Act since July 1, 1967. This new authority would not be used to enter into another major round of trade negotiations. None are planned. But, there is another reason why this authority is needed. Under the rules of the game in international trade, whenever one country must increase duties or impose quotas in order to protect a domestic industry which is being injured by imports, that country must also offer compensatory tariff reductions on other imports of equivalent value to the country whose exports would be adversely affected by the increased duty or quota. The alternative would be to face retaliation on the part of those adversely affected countries. It is clear that, under other provisions of this bill, the United States will be imposing some limited restrictions on the imports of other countries. For this reason, it was felt necessary to extend to the President authority—through July 1, 1975—to cut tariffs by 20 percent in two stages. The committee made clear that it does not believe the President should offer "compensation" to countries which themselves have illegal tariff or nontariff barriers against United States exports, for which the United States has not been "compensated". In other words, in those situations we should go to the bargaining table and work out a mutually satisfactory solution to the question of compensation.

REVISE UNFAIR TRADE PRACTICE STATUTES

The trade bill also deals with three unfair trade practice statutes. It revises section 252 of the Trade Expansion Act to give the President further authority to cope with foreign nontariff barriers restricting U.S. exports in industrial as well as agricultural trade. This is what he asked for and the reason is this: Under present law, the authority is confined mainly to agricultural products. This additional authority, requested by the administration, will strengthen the President's hands in negotiating nontariff barriers with other countries. It will serve as a clear warning that the United States is no longer able to turn the other cheek when foreign countries impose new nontariff barriers against U.S. products.

In addition, the Senate amendment agrees with the House that in antidumping and countervailing duty cases, the Treasury should have some time limits imposed upon it in making its determination regarding the imports involved. The Antidumping Act deals with injurious price discrimination, and countervailing duty statute deals with foreign subsidies. In the case of the antidumping statute, the Treasury would have 4 months to reach a tentative decision on the question of whether or not there has been price discrimination, except in extraordinarily complicated cases in which the Secretary may take up to 7 months. In cases under the countervailing duty statutes, the Secretary of the Treasury would have 1 year to make decisions. Both the House and the Senate committee agree that these time limits will give assurance that decisions will be reached promptly on matters of vital concern to domestic industry.

REVISED ESCAPE CLAUSE AND ADJUSTMENT ASSISTANCE PROVISION

A third major area which the committee dealt with was in revising the stringent criteria in present law for providing adjustment assistance and tariff adjustment (escape clause) relief to firms, workers, and industries which are seriously injured by import competition. With respect to the escape clause which deals with industrywide injury, present law provides that tariff concessions must be found to be the major cause of increased imports, and increased imports must be found to be the major factor in causing serious injury. These two tests have proven so difficult that only one industry out of over 20 applicants has qualified for relief since 1962. The executive branch agrees that these tests are too rigid.

The Finance Committee substantially altered both tests to make it easier for a domestic industry to receive relief. The Senate amendment would require that increased imports must be related in whole or in part to tariff concessions. This was the same test that existed for 11 years from 1951 to 1962, and it worked well. The committee agrees with the House that a "substantial cause" relationship between increased imports and serious injury was fairer to all than either the present law or the administration's recommendation, of substituting the concept of "primary" cause for "major" cause in the statute.

The committee considered that the "escape clause" had a substantial cause-test for 11 years, between 1951 and 1962, and it also worked well. We did not feel that another possible misinterpretation of our intention by using the word "primary" instead of "major" would be worth risking. In fact, it appears there is a distinction without a difference in the two terms.

The committee also felt that the definition of industry should permit separate consideration to be given to those segments of a multiproduct corporation for producing one product which might be seriously injured by imports, even though

other product areas may not be. This is called the "segmentation principle" and it too was on the books for 11 years without any difficulties between 1951 and 1962.

Another area in the escape clause which the committee did take action on and which is new, and that is the so-called "acute or severe" injury test. Under the committee's amendment, the Tariff Commission must determine whether on the basis of the substantial cause-test an industry is being seriously injured by imports. That would be the first finding. Having made that determination and assuming it was positive, the Commissioners finding serious injury would also determine whether the injury was acute or severe. The term "acute or severe" denote a degree of injury which is a level higher than serious injury and which could, if not immediately corrected, threaten the very existence of an industry as a viable economic entity in the United States. Now, under either the initial determination of serious injury or the subsequent acute or severe injury determination, the Tariff Commission would recommend a remedy. If only the initial serious injury was found, the President would consider the remedy suggested by the Tariff Commission but would be allowed to proclaim any import restriction he deemed necessary to prevent serious injury, unless he determines it is not in the national interest to impose such restrictions. In the latter case, he must provide adjustment assistance to those firms and workers which are being seriously injured. If there are two affirmative findings by the Tariff Commission—one of serious injury and another of acute or severe injury—the President would have to impose the remedy recommended by a majority of the Tariff Commission making those determinations, unless he determines it is not in the national interest to do so. In other words, the second test puts a little more pressure on the President to accept the Tariff Commission's findings, but the President retains his flexibility. But if he does not accept the Tariff Commission's recommendation he must nevertheless provide adjustment assistance. The committee deemed that this flexibility was necessary.

With respect to adjustment assistance, it is only necessary to determine that imports are contributing to unemployment or underemployment in the case of groups of workers, or to serious injury in the case of firms.

TEXTILES AND FOOTWEAR

Now let me turn to the textile and footwear provisions in the bill.

The textile industry is the largest manufacturing industry in the United States with 2.1 million employees, many of them disadvantaged. The industry moved from the North to the South, and now may move across the Pacific unless relief from low-wage imports is provided. All the European countries have negotiated voluntary agreements with Japan and other Asian textile producers to limit imports of manmade fiber and woolen textiles into the European market. That is the intent of this bill. The United States has been striving to obtain a similar agreement, because we have become the "dumping ground" for cheap imports, and our producers are facing severe hardships. But the Japanese do not appear willing to give us the same consideration that they gave the Europeans.

The nonrubber footwear industry has also been hurt by growing imports. Thus, the bill provides for quantitative limitations on the imports of certain textile and footwear articles equal to the average annual imports for the 3 calendar years, 1967 through 1969.

However, there is a great deal of flexibility in the bill. For example, the President is authorized to exempt any products from the statutory import quotas: First, which he determines are not disrupting the United States market, second, when he determines that the national interest requires such action, and, third, when the supply of any article in the domestic market is insufficient to meet the demand at reasonable prices, or, fourth, when voluntary agreements are entered into with foreign producing countries.

The President is specifically authorized to negotiate agreements with foreign countries under which imports of textile and footwear articles would be voluntarily controlled. As I have stated imports covered by such voluntary agreements would be exempt from the mandatory quota provisions of the bill. The main thrust of the legislation, therefore, is to share our market with foreign goods, hopefully on a voluntary basis, so that industry and labor would not be severely injured by foreign competition.

Textile and footwear imports into the United States have been increasing very rapidly. The average imports of manmade fiber amounted to 1,390 million square yards in the 1967–69 base period, and for wool textile products it was 184.5 million square yards. As of June 1970, imports of manmade fiber textiles are running at an alltime record of 2.4 billion square yards. Apparel imports are also sharply up, and in some product areas, such as sweaters and shirts, imports have practically taken over the market. For example, in 1965 imports of sweaters of manmade fiber were 501,000 dozen. In 1969, imports of such sweaters had increased to 6,974,000 dozen. That is more than a tenfold increase in the space of 4 years. Such increases in imports year after year are devastating our textile and apparel firms. Many responsible individuals realize this. In an article appearing in the September issue of Fortune magazine the former Minister of Finance in Japan, the Honorable Nobutane Kuichi made this wise statement:

> Confrontation between us and the world is no good. I'd like to see the growth-rate of our exports decline from last year's 22 percent to no more than 10 percent, ideally 7 percent. I have told this to the Prime Minister and he doesn't like it because everything is geared to exports.

Let us not forget that other countries having much more severe barriers to imports than the United States, face the same problems. Japan, for example, has quotas on 98 products. Western Europe controls its imports through border taxes and variable levies, and, in addition, has quantitative restrictions on Japanese and other Asian textile products, which serve to divert them to the United States. For example, this Nation absorbs 50 percent of Japan's apparel exports; all Western Europe, with more than our population, absorbs only 5 percent.

Under these circumstances, they should not point their finger at us as starting a trade war. We do not want a trade war. But we cannot stand idly by and watch our industries go under and our labor force decimated by foreign imports while nothing is done. These provisions will insure that American industry and American jobs will be protected in a reasonable way while, at the same time, insuring an equitable share of our market for foreign goods.

NATIONAL SECURITY PROVISION

Another area covered by this bill is the revision of the national security provision of the Trade Expansion Act. Under the present law, if the Director of the Office of Emergency Preparedness makes a finding that imports of a particular article are threatening to impair the national security, he shall so report to the President. If the President agrees with this finding, he shall impose whatever restrictions he deems necessary to remedy the situation.

The House believed, and the Finance Committee concurs that wherever national security findings are involved, a quota would be a more suitable device for controlling imports than a tariff. In the first place, the quota would provide assurance that imports could be kept at a level consonant with the national security objectives, whereas no tariff could give that assurance.

If the tariff were set too low, imports would come pouring in to depress our market; if the tariff was very high, it could shut off imports completely or involve very high costs to the U.S. consumer. In the case of oil, there is the additional problem of tanker rates, which are extremely volatile. A tariff set on Monday might be inappropriate on Friday if tanker rates had moved up sharply in the meantime. We cannot adjust our tariffs to accommodate the fickle nature of these tanker rate variations, or to the whims of Arab potentates who have effective control over prices.

The Director of the Office of Emergency Preparedness stated before the Finance Committee that a tariff would tend to increase the cost of oil to the consumer much more than a quota. The Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Director of the Office of Emergency Preparedness all agree that a tariff is not a suitable instrument for controlling oil imports, and have so advised the President. The President has accepted that recommendation. The committee bill reflects the same conclusion.

WELFARE AMENDMENTS

INTRODUCTION

The goal of working out progressive and productive proposals in the area of public welfare has occupied the committee for many months.

Looking at the overall structure of our public assistance system, the committee concluded that two different approaches were called for. First, there is no pressing need to throw out completely our present programs for the aged, blind, and disabled and start a new program in that area. These programs, on the whole, have been working well. They have been responsive to the needs of poor people, and the rolls have remained fairly steady. The committee therefore determined to make desirable improvements in these programs, but not at this time to change their basic direction.

The situation with regard to the program of aid to families with dependent children is far different. The AFDC caseload has tripled in the last 10 years, and we now have approximately 9 million AFDC recipients throughout the country. The rate of growth is continuing unabated, and every State is feeling the consequences. Equally disturbing is the nature of the growth in the program. Most of the families being added to the rolls are eligible because of the absence of the father from the home. These are cases largely resulting from desertion, separation, and illegitimacy. Fully three-fourths of the families now receiving AFDC are families in which the father is absent, and this percentage will be increasing if present trends continue.

Faced with this situation, the committee felt compelled to develop workable and greatly needed improvements in those programs created by the Congress to help AFDC families and to get at the root cause of dependency. The bill would make possible immediate improvement in the work incentive and child care programs, thus assisting many families to move toward economic independence. Along with these proposals to solve problems which are amenable to rapid improvement, the committee is advocating a broad program of testing which is aimed at finding long-range solutions to the overall problem of welfare dependency.

At this point I would like to describe in greater detail just what the committee bill includes.

ASSISTANCE TO THE AGED, BLIND, AND DISABLED

First of all, the bill proposes a national minimum income level which would provide a considerably higher level of assistance for a large percentage of recipients of aid to the aged, blind, and disabled. Many of these people, who are among the most hopeless and helpless of all the poor in our country, are currently receiving assistance which is obviously inadequate for their needs.

We think it is urgent that increased assistance be given to those who are living in States where payments are very low. Thus, the bill would require States to provide a level of assistance sufficient to assure persons in these categories a total monthly income of at least $130 for a single person, or $200 for a couple. States would, of course, have the option of maintaining or establishing a higher standard for residents of their State.

To give some idea of the impact of this new minimum, let me point out that in the aged category, this provision would result in increased assistance for eligible single-aged individuals in about 31 States, and for eligible aged couples in about 36 States.

The committee bill would also, in effect, give needy persons in the adult categories more money in lieu of food stamps. We all know that many of them have suffered loss of dignity and pride by having to use food stamps when they go out to the local grocery store to do their shopping. This bill will give them cash, which they can use as they want, and when they want.

In addition, the committee wanted to make sure that those social security beneficiaries who are also public assistance recipients would share in the benefit of the social security increases which are provided in the bill. If present law remained unchanged, any increase in a social security check would mean an offsetting decrease in the recipient's public assistance check. Therefore, the committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual, and $15 for a couple. These recipients would in this way be guaranteed an increase in total income of at least these amounts.

Recognizing that the rapid growth in welfare expenditures in recent years has strained the fiscal capacities of the States, the committee wanted to make sure that the States would not have to bear any additional costs resulting from these new benefits in the adult categories. A certain amount of fiscal relief will accrue to the States to the extent that welfare grants are reduced because of the increases which the bill provides in social security benefits. However, this relief is not necessarily distributed in a way which reflects the relative welfare burdens of the States under present law or under the additional requirements imposed by the bill.

We have worked out a proposal which, generally speaking, would assure all States a 10-percent savings over their expenditures for adult assistance programs in 1970. The Federal Government would pay 100 percent of the cost of additional expenditures for the aged, blind, and disabled which are required by the committee bill.

Mr. President, it is my belief that these changes proposed in the bill will be of enormous benefit to those Americans who are in need because of old age, blindness, or other crippling disability. We have been able to work out a way of increasing the minimum income level above the $110 per person level proposed by the administration and approved by the House, and to make other needed improvements, without going above the amounts which the administration stated it was willing to allocate for these categories of assistance.

TESTING OF WELFARE ALTERNATIVES

Now let me turn to the problem of assistance to needy families with children. I have already outlined, and there is no need to further document, the seriousness of the growth in the AFDC program. The committee has studied the present program. It has studied the proposal, with its many variations, which the administration made for the establishment of a new family assistance plan to be superimposed on the AFDC program.

In all honesty and sincerity, I would say that the committee shares the view of Governor Hearnes of Missouri, who testified during the hearings on FAP. Governor Hearnes summed up his own opinion by stating quite seriously that if you read what the newspapers said about the proposal, you would be for it, but if you read what was actually in the bill, you had to be against it.

We read the administration's bill. We had many weeks of public hearings on it. Nearly everyone who testified endorsed the principles in the proposal, but nearly all the witnesses also pointed out weaknesses.

As legislators, we know that the perfect law is yet to be written. We would not reject a proposal because of minor problems or oversights. These, we know, can be corrected in the course of time.

But when a proposal establishes a new direction, and goals are established which in our honest evaluation are unattainable under the measures provided. then it is our responsibility to require a more thorough examination.

The committee bill would thus require the Secretary of Health, Education, and Welfare to conduct up to five tests of possible alternatives to the AFDC program. One or two of these tests would test a "family assistance" type proposal for welfare, and one or two of the tests would test a "workfare" type proposal. In addition, the bill provides for a test in which a program of rehabilitation of welfare recipients would be administered by vocational rehabilitation personnel.

It is my hope, and the hope of the committee, that these tests would provide a sound basis for rational legislative action in the welfare area. We would also hope that each test would produce data from which there could be estimated for the various types of programs the cost, extent of participation, and effectiveness in reducing dependency on welfare which could be expected if such programs were adopted as a substitute for AFDC. The tests should also provide valuable administrative experience which would facilitate the implementation of any of the test proposals which might eventually be enacted.

The bill would give the Department of Health, Education, and Welfare flexibility in choosing the areas in which the tests are to be conducted. However, it would require that the areas chosen should be broadly representative of the country as a whole so that the data from the tests may serve as a reliable basis for future congressional action.

The tests are also to be conducted in such a way that valid comparisons among the various alternatives can be made. The bill therefore requires that the Department conduct the same number of "workfare" tests as "family assistance" tests—either one or two of each. In each pair of tests the beginning and ending dates of the two tests must be the same, the number of participants must be approximately the same, and the areas in which the two tests are conducted must be comparable as to popu-

lation, per capita income, unemployment level, and other relevant factors.

Tests would have to be conducted with State cooperation and with State sharing in the costs of the tests.

At all stages in the development of the tests and in their operation, the committee would be kept advised and the Comptroller General would be consulted regarding testing procedures that would be utilized.

Two matters that this Senator would like to see developed by these tests are whether wage subsidies are one effective way of increasing the incomes of the disadvantaged and whether, if they are, the one-check or the two-check approach is preferable. The one-check approach involves passing the subsidy to the employer who includes it in his wage to the worker. The two-check approach envisions a wage supplemented by a payment directly from the welfare office.

Mr. President, we believe this program of testing is both a responsible and a responsive way of meeting our present welfare crisis. We agree that the present system is bad, but we do not agree that it is so bad that any untested alternative would be preferable merely because it is new or different. We want to find some real answers to the welfare problem. And we believe that the way to do this is through careful experimentation.

At the same time, we recognize that there are changes in the present legislation which should be made immediately, and we seek in the bill to correct some of the worst and most obvious defects.

WORK INCENTIVE PROGRAM

The committee and the administration are in substantial agreement as to the obligation of appropriate welfare recipients to work. The thrust of any welfare reform proposal must encompass the basic proposition that able-bodied welfare recipients should be required to work if child care and meaningful manpower training are provided—and that actual jobs must be available for such people after training.

Mr. President, I think the Congress has now reached the point where it is reluctant to support any more training programs that do not result in jobs for participants. Moreover, the disadvantaged people of this country share this disenchantment—they say in increasing numbers "no more training programs without jobs."

The committee bill adopts almost all of the administration's requests for improvement of the work incentive program. It provides more favorable matching for manpower training expenses and for welfare services which support training, including the vitally important day care. It also provides registration with the employment service as a condition of welfare eligibility and puts into effect uniform Federal standards for referral of welfare recipients to WIN. All of these elements have been cited by the administration as crucial deficiencies in the work incentive program.

But the bill goes further—and here, I would be remiss in not pointing to the great contributions of the junior Senator from Georgia, Senator TALMADGE. It comes to grips with some of the basic reasons for the failure of WIN which have been very disturbing to the committee. The Committee on Finance was the principal architect of the WIN program—I believe I was the initial sponsor of that amendment—and was responsible for the basic decision—that the Department of Labor would administer the manpower training program. However, the committee has been greatly disappointed in the implementation of the program.

The points of emphasis the Finance Committee thought were made abundantly clear in the 1967 amendments have been paid lipservice or totally ignored. A meaningful program of on-the-job training continues to be an unfulfilled Labor Department promise. The legally required program of special work projects—public service employment—is a reality in only one State. Lack of Labor Department and Department of Health, Education, and Welfare cooperation and that of their counterparts at the local level has been a major problem in the referral process and in the provision of necessary supportive services for recipients in work and training. The main thrust of the WIN program as it exists today remains in the direction of basic education and classroom training, which our experience with manpower training over the last decade shows does not result in the placement of people in jobs, but rather in a growing skepticism of both welfare recipients and the public as to the worth of such endeavors.

Mr. President, this situation must change. More effective administration must be provided, and WIN's on-the-job training and public service employment components must become a vital part of the program.

It is for this reason the committee bill includes a provision which would require heavy emphasis on these two components. Also, a tax credit mechanism is provided which will link manpower training to the actual provision of jobs.

I might say there has been a severe disappointment in the performance of the Department of Labor in accordance with its duties under the law.

The task of training welfare recipients for jobs and actually placing them in employment on a permanent basis is admittedly one of the most difficult tasks facing Government. The committee believes that the changes it is proposing for WIN are important, albeit some of these could have been made without changes in the statute. But we are also aware that regardless of what the Congress does in this area the ultimate success of the program will, in large measure, be dependent on the dedication of administrators at the Federal, State, and local level and the resources they are allocated. Thus, we believe it is incumbent upon the Department of Labor to show its commitment to WIN and to provide staffing at the Federal level which is commensurate with its responsibilities as the primary administrator of the program. The WIN program must receive the kind of implementation its importance deserves.

CHILD CARE

The bill also includes proposals which would greatly expand the availability of child care resources throughout the Nation. At the present time the lack of adequate child care represents perhaps the single largest impediment to the efforts of poor families, especially those headed by a mother, to achieve economic independence. The committee bill would seek to remove this impediment for the poor, while at the same time promoting child care facilities for all families which need them, by creating a Federal Child Care Corporation.

Although the Committee on Finance and the Congress, through past amendments to the Social Security Act, have attempted to meet the need for child care we have been unable to overcome the great lack of organization, initiative, and know-how which exists in the child care area. We have provided money, but we have found that money alone will not do the job. We need a mechanism at the Federal, State, and local levels which will respond to both national and local needs for child care. We believe the Federal Child Care Corporation will be such a mechanism.

The Corporation would have as its first priority making available child care services to children of parents eligible for such services under the AFDC program, and who need them in order to participate in employment or training. However, it would also have the broader function of making child care available for any family which may need it, regardless of welfare status.

The Corporation would work in an uncomplicated way. Under the committee bill, $50 million would be given to the Corporation to provide initial working capital. This amount would be in the form of a loan by the Secretary of the Treasury and would be placed in a revolving fund. The money would be used by the Corporation to begin arranging for child care services. Initially, the Corporation would contract with existing public, private nonprofit, and proprietary facilities to serve as child care providers. To expand services, the Corporation would also give technical assistance and advice to organizations interested in establishing facilities under contract with the Corporation. In addition, the Corporation could provide child care services in its own facilities.

Fees would be charged for all services provided or arranged for by the Corporation. The fees would go into the revolving fund to provide capital for further development of services and to repay the initial loan. They would be set at a level which would cover the costs to the Corporation of arranging child care.

We have provided in the bill for construction authority for the Corporation, and would authorize the issuance of bonds for this purpose if new construction is needed. We envisage, however, that this authority will be used sparingly, and that every effort will first be made to utilize existing facilities.

I am deeply concerned about the quality of care which children are to receive, and I therefore want to emphasize that

the bill includes provision for Federal child care standards, to assure that adequate space, staff, and health requirements are met. In addition, facilities used by the Corporation would have to meet the Life Safety Code of the National Fire Protection Association.

The bill includes inservice training authority, and the committee expects that this authority, along with the training programs under the WIN program, will be used to train welfare mothers, insofar as possible, to work in child care programs. This will mean that while some mothers are being freed for work, others will be provided employment directly in child care facilities.

The Corporation, while providing a mechanism for expanding the availability of child care services, would not provide funds to subsidize child care. Those who are able to pay would be charged the full cost of services. The cost of child care needed by families on welfare would be paid by State welfare agencies.

Here, too, the committee bill makes a significant improvement in present law by providing for an increase from 75 percent to 90 percent in the Federal matching share for child care services. The bill would authorize payment of 100 percent of the cost of services for a temporary period if the Secretary determined that necessary services would not otherwise be available. The 90 percent matching rate would be available to the States for child care for families receiving AFDC and also for past and potential recipients.

FAMILY PLANNING SERVICES

Mr. President, the committee bill provides for a major advance in enabling welfare recipients to obtain free family planning services by authorizing 100 percent Federal funding for State family planning programs, including both information and the provision of medical services.

As under present law, States would be required to offer family planning services to all appropriate recipients of AFDC, including, on an optional basis, former recipients and those who are likely to become recipients of welfare. Acceptance of services, as under present law, would be voluntary with the recipient.

A beginning has been made as the result of congressional action in 1967 when 75 percent Federal matching funds was authorized for this purpose. The progress which has been made under those amendments, however, has not met the committee's expectations.

The provisions of the committee bill are consistent with the aims of the administration, as expressed by the President in a speech in July 1969:

> Most of an estimated five million low income women of childbearing age in this country do not have adequate access to family planning assistance, even though their wishes concerning family size are usually the same as those of parents of higher income groups.
>
> It is my view that no American woman should be denied access to family planning assistance because of her economic condition. I believe, therefore, that we should establish as a national goal the provision of adequate family planning services within the next five years to all those who want them but cannot afford them. This we have the capacity to do.

The committee shares the goal of the President and believes that this is an appropriate step in its fulfillment. It notes that, according to testimony of Planned Parenthood Federation, full family planning services can be provided for about $60 per woman per year. This seems a small price to pay for the personal, social, and economic benefits which can be achieved as the result of an effective nationwide family planning program.

EMERGENCY ASSISTANCE TO MIGRANT FAMILIES

Some of the most disadvantaged citizens in our country can be found among migrant workers. When children are involved, the situation calls even more urgently for action, and this action must be of a national nature which is commensurate with the national problem.

Under existing law, emergency assistance may, at the option of the States, be provided to needy migrant families with children and be provided either statewide or in part of the State. Fifty percent Federal matching is provided.

The committee bill establishes a more meaningful program by amending existing law: first, to require all States to provide such a program; second, to require that it be statewide in application; and, third, to provide Federal matching of its cost at the 75 percent level.

OBLIGATIONS OF DESERTING FATHER

Mr. President, when we discuss welfare reform, we should always remember some of the root causes of the present crisis.

The facts are startling:

In 1969, three out of four families receiving AFDC were eligible because of the father's absence from the home. Think of that—75 percent. One out of six families is on welfare because of the father's desertion. With about 9 million AFDC recipients, this means that about 1,500,000 mothers and children are receiving welfare today because the father of the family has deserted.

An illustration of the impact of desertion on a city's AFDC rolls is New York where between 1961 and 1968 the cases of deserted or informally separated wives grew by 412 percent.

Nationally, the largest single cause of dependency among children is illegitimacy. In 28 percent of the families receiving AFDC, the mother is not married to the father of the child.

Congress, particularly in the 1967 amendments, attempted to deal with this aspect of the dependency problem. These measures, however, have failed to stem the explosive growth of the welfare rolls in the past 3 years, a growth largely consisting of families in which there either never was a father or in which the father has deserted the family or is otherwise separated from the mother.

During the hearings on the welfare bill, Secretary Richardson was asked his opinion about direct Federal action in desertion cases. He replied:

> We would support legislation which made it a Federal crime to cross State lines for the purpose of evading parental responsibility. * * * From the standpoint of our Department to make this a Federal crime would help to reduce the problem, we think, and to that extent we would be for it.

The committee considers the provisions of present law useful and feels they should be retained. However, it is clear that further action is necessary to permit more extensive involvement of the Federal Government in cases where the father is able to avoid his parental responsibilities by crossing State lines.

Thus, the committee bill would make it a Federal misdemeanor for a father to cross State lines in order to avoid his family responsibilities. The penalty under this new amendment would be imprisonment for up to 1 year.

Second, the committee bill would provide that an individual who has deserted or abandoned his spouse, child, or children shall owe a monetary obligation to the United States equal to the Federal share of any welfare payments made to the sopuse or child during the period of desertion or abandonment.

The bill also provides that information regarding the whereabouts of the deserting individual would be furnished, on request, by the Federal Government to the deserted spouse where a judgment for support has been obtained.

Daniel P. Moynihan has stated:

> Now, a working-class or middle-class American who chooses to leave his family is normally required first to go through elaborate legal proceedings and thereafter to devote much of his income to supporting them. Normally speaking, society gives him nothing. The fathers of AFDC families, however, simply disappear. Only a person invincibly prejudiced on behalf of the poor would deny that there are attractions in such freedom of movement.

It is my hope that the measures contained in the committee bill will equate the responsibilities of a father of AFDC children with those of the father of a working-class or middle-class family.

THE COURT AND WELFARE LAW

Some major changes in welfare law have been made in recent years not by the Congress, but by the Judiciary, These decisions have played a major role in the phenonmenal growth of the welfare rolls in the last 3 years. In some cases, the Court decisions have been made on the basis of an interpretation of congressional intent and in some cases the decision has been based on an interpretation of the Constitution. Common to many of these cases seems to be an assumption that welfare is a "property right" rather than a "gratuity" granted as a privilege by the Congress and subject to such eligibility conditions as the Congress, through the legislative process, decides to impose.

Health, Education, and Welfare Secretary Elliot L. Richardson disagrees with this view of welfare as a vested right. Under Secretary Veneman disagrees with this view. The Committee on Finance disagrees with this view. Underlying the committee's action on the welfare amendments in the bill is the fundamental policy that the "right to welfare" is a statutory right, dependent on legislation enacted by the Congress, and not a vested, inherent, or inalienable right to benefits.

The committee's view is that the right to welfare is no more substantial, and has no more legal effect, than any other benefit conferred by a generous legislature. The welfare system as we know it

today is authorized under the Social Security Act, and the statutory rights granted under that act can be extended, restricted, altered, amended, or even repealed by the Congress. It is this ability to change the nature of a statutory right which distinguishes it from a property right or any other right considered inviolate under the Constitution.

Consistent with this view the committee bill includes provisions reasserting the intent of Congress with respect to the residency requirements, the man in the house rules, payments of welfare benefits during appeals, the requirement that States seek to establish the paternity of illegitimate children applying for welfare and allowing caseworkers to enter the home of welfare recipients at reasonable times and with reasonable notice.

In addition the bill would prevent the use of Federal funds in financing future efforts to nullify any feature of the Social Security Act.

TAX AMENDMENTS

This bill also contains several tax amendments closely related to the programs dealt with by the bill.

INFORMATION REPORTING

An important feature of the committee bill is the provision calling for information reports to be submitted to the Internal Revenue Service of payments made by insurance companies to health care providers. In the case of federally financed health programs like medicare and medicaid the amendment calls for reports both of payments made direct to the provider and those made to the beneficiary in reimbursement of his bills. In the case of private insurance policies, however, the amendment would require reporting only of payments made direct to the provider.

BRIBES AND KICKBACKS

Another committee amendment corrects an unintended effect of the Tax Reform Act of 1969 allowing a tax deduction for illegal bribes and kickbacks. The 1969 Act required that there be a criminal conviction or guilty plea before such a payment could be disallowed. The committee bill substantially restores the prior law and disallows a deduction if the payment is illegal under Federal or State law. This disallowance rule also applies to medical referral fees under the medicare and medicaid programs since another provision in the bill makes such payments illegal.

RETIREMENT INCOME CREDIT

The committee bill also upgrades the retirement income credit—a tax relief provision for retired persons—by increasing the amount of retirement income eligible for the credit. This action, together with the recent announcement by the Internal Revenue Service that it would compute the retirement income credit for persons who request it, should go far toward making this credit generally more useful.

Mr. President, in connection with that, I want to give credit to the Senator from Connecticut (Mr. RIBICOFF) for his diligence in this area in assuring that an adequate tax relief provision for retired persons would be a provision of the bill.

WORK INCENTIVE TAX CREDIT

Another amendment recommended by the committee provides for a tax credit for employers of persons trained or placed through the work incentive program. The tax credit will amount to 20 percent of the employee's salary for the first year of employment, but it would be recaptured if the employee should be discharged in the first 2 years of employment. The committee felt that this amendment, part of a comprehensive revision of the work incentive program, would stimulate jobs for people who today must depend on the welfare system for their sustenance.

VETERANS PENSION INCREASE

The Committee on Finance, in its deliberation on this bill, has continued, as in the past, to be mindful of the special needs of veterans. The committee bill includes the text of S. 3385, a pension increase bill introduced by Senator HERMAN E. TALMADGE, chairman of the Subcommittee on Veterans' Legislation. The Talmadge bill, incorporated as a committee amendment, would increase pension benefits by $160,000,000 above present law, effective January 1971.

Pension benefits are related to need. As social security payments are increased, the veterans need for a pension decreases, although by a considerably smaller amount than the rise in social security benefits. The committee amendments substantially offset these reductions.

CONCLUSION

Mr. President this concludes my prepared statement on the committee bill. I urge that it be approved.

I ask unanimous consent to have printed in the RECORD a summary of the principal provision of the bill.

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

II. SUMMARY OF PRINCIPAL PROVISIONS OF THE BILL

A. SOCIAL SECURITY CASH BENEFITS

1. Provisions of the House bill changed, and new provisions added by the committee

The committee made a number of changes in the provisions of the House-passed bill affecting the social security cash benefit programs. In a number of cases, the committee bill would modify or eliminate provisions of the House bill affecting select groups of beneficiaries; these changes would help make possible a 10-percent across-the-board benefit increase compared with the 5-percent increase in the House bill. Other provisions in the committee bill include a $100 minimum benefit, an increase in the benefits for widows and widowers, an age-62 computation point for men, liberalization of the retirement test, an increase in the maximum benefits payable to a family, a reduction in the waiting period for disability benefits, and other less far-reaching but nonetheless important changes.

Increase in Social Security Benefits

Social security payments to the nearly 26 million beneficiaries on the rolls at the end of January 1971, and to those who come on the rolls after that date, would be increased by 10 percent, with a new minimum benefit of $100. (The House-passed bill would have increased benefits by 5 percent, with a minimum benefit of $67.20.)

The benefit increase would be effective for the month of January 1971, but would not be paid until April, and would mean additional benefit payments of $5.0 billion in the first full year.

Increased Widows' and Widowers' Insurance Benefits

Under present law, when benefits begin at or after age 62 the benefit for a widow (or dependent widower) is equal to 82½ percent of the amount the deceased worker would have received if his benefit had started when he was age 65. A widow can get a benefit at age 60 reduced to take account of the additional 2 years in which she would be getting benefits.

Both the House bill and the committee bill are aimed at providing benefits to a widow equal to the benefits her husband was receiving, or would have received. It was brought to the committee's attention, however, that in some cases the widow, under the House bill, would actually receive a benefit substantially higher than her husband received before his death. Under the House bill, a widow would be entitled to 100% of the amount her deceased husband would receive if he became a beneficiary after reaching age 65. On the other hand, if he actually began receiving benefits before reaching age 65, his benefits would be actuarially reduced. For example, a man eligible for $150 monthly if he retires at age 65 will receive reduced benefits of $135 when he retires 18 months before reaching age 65. Under the House bill, his widow age 65 or older would be eligible for monthly benefits of $150; under the committee bill, she would receive $135, as did her husband. Generally, under the committee bill the widow would receive either 100% of the benefit her husband was actually receiving at the time of his death or, if he was not receiving benefits, 100% of the benefit he would have been eligible for at age 65.

About 2.7 million widows and widowers on the rolls at the end of January 1971 would receive additional benefits, and $649 million in additional benefit payments would be made in the first full year.

Effective date.—January 1, 1971.

Cost-of-Living Increases

The House-passed bill would have provided for cost-of-living increases in benefits and for related increases in the tax base and in the exempt amount under the retirement test which would have subordinated the role of Congress in determining benefit levels. The committee has revised these provisions in order to stress the role of the Congress in setting social security tax and benefit levels. Under the committee bill, social security benefits would rise automatically in the event the cost of living goes up and Congress failed to legislate on social security benefits or taxes. The social security earnings limitation would increase automatically as covered earnings increase. The full cost of these automatic increases would be met equally by increases in tax rates and in the tax base, with the function of determining the base and the rates performed by the Secretary of Health, Education, and Welfare. The committee bill would provide that the automatic benefit increases would not go into effect if in the year before the year in which the increase was to be effective Congress and the President had approved a change in social security benefit levels, or a change in the schedule of social security tax rates, or a change in the social security tax base.

Age 62 Computation Point for Men

Under present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women, only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. These differences which provide special advantages for women

would be eliminated under the committee bill and under the House-passed bill by applying the same rules to men as now apply to women.

The House-passed change would apply immediately to those already on the rolls as well as to those coming on in the future. Under the committee's bill, there would be a gradual transition to the new procedures so that the provision would apply only to those becoming entitled in benefits in the future; the number of years used in determining insured status and in computing benefits for men would be reduced in 3 steps so that men reaching age 62 in 1973, and later, would have only years up to age 62 taken into account in determining insured status and average earnings.

In the first full year, an additional $6 million in benefits would be paid out under this provision. Under the change in benefit eligibility requirements for men, some 2,000 people—workers, their dependents, and survivors not eligible under present law—would be added to the rolls in the first year.

Effective date.—January 1, 1971.

Increase in Maximum Family Benefits

The committee bill provides that families coming on the rolls after a benefit increase is enacted, as well as families already on the rolls at the time the increase is enacted, would be guaranteed the full amount (10 percent under the committee bill) of the current and future general benefit increases. Under the committee bill, maximum family benefits would range from 1.5 to 1.88 times the worker's benefit amount payable at age 65.

Effective date.—January 1, 1971.

Actuarial Reduction for Women

Under present law when a woman applies before age 65 for a retirement benefit based on her own earnings, her benefits are actuarially reduced to take account of the longer period over which benefits will be paid. If she subsequently applies for a wife's benefit after reaching age 65, her wife's benefit is also reduced to reflect the fact that she began to receive benefits before age 65. The House-passed bill would eliminate actuarial reduction in such cases; the committee bill would retain the provisions of present law.

Benefits for Divorced Women

The committee bill retains the provisions of present law which require that in order to qualify for benefits as a divorced wife, divorced widow or a surviving divorced mother a woman must show that: (1) she was receiving at least one-half of her support from her former husband, or (2) she was receiving substantial contributions from her former husband, or (3) there was a court order in effect providing for substantial contributions to her support by her former husband.

The House-passed bill would delete these requirements.

Waiting Period for Disability Benefits

Under present law there is a six-month waiting period before a disabled person is eligible for social security disability insurance benefits. The committee added to the House bill a provision to reduce the waiting period for disability benefits by two months, so that benefits would be payable on the basis of a four-month waiting period, rather than a six-month period.

About 140,000 people—disabled workers and their dependents and disabled widows and widowers—would be able to receive a benefit for January 1971 as a result of this provision. About $185 million in additional benefits would be paid out during the first full year.

Effective date.—January 1, 1971.

Childhood Disability Benefits

The committee bill would extend the ex- would provide childhood disability benefits for the disabled child of an insured retired, deceased, or disabled worker, if his disability began before age 22, rather than before 18 as under present law. The committee added a new provision to permit a person who was entitled to childhood disability benefits to become re-entitled if he again becomes disabled within 7 years after his prior entitlement to such benefits was terminated.

About 13,000 people—disabled children and their mothers—would immediately become eligible for benefits, primarily as a result of extending the age limit to 22. About $13 million in additional benefits would be paid out during the first full year.

Effective date.—January 1, 1971.

Disability Benefits Affected by the Receipt of Workmen's Compensation

The committee deleted the provision in the House bill modifying the workmen's compensation offset provisions to raise the ceiling on income from combined workmen's compensation and disability insurance benefits from 80 percent to 100 percent of the disabled worker's average current earnings before the onset of his disability.

Disability Insurance Benefits for the Blind

The House-passed bill contained a provision which would eliminate the general recency-of-work requirement for people who meet the definition of blindness in the Social Security Act. The committee bill revises the requirements for paying disability insurance benefits to blind people. Under the committee revision, disability insurance benefits would be payable to any blind person (as defined in the law) who has credit for 6 quarters of social security coverage, without regard to his ability to work.

About 225,000 people, blind workers and their dependents, would become immediately eligible for monthly benefits. About $225 million in additional benefits would be paid out during the first full year.

Effective date.—January 1, 1971.

Adoption of Child by Retired or Disabled Worker

The committee broadened the provision of the House-passed bill which would change the provisions of present law relating to the payment of benefits to a child (other than a natural child or a stepchild) who is adopted by a disability insurance beneficiary after the latter becomes entitled to benefits. Under the committee bill, the child, adopted when a disabled or retired worker is entitled to benefits, would be able to get child's benefits based on the worker's earnings if: (1) the adoption was decreed by a court of competent jurisdiction within the United States, (2) the child lived with the worker in the United States for the year before the worker became disabled or entitled to an old-age or disability insurance benefit, (3) the child received at least one-half of his support from the worker for that year, and (4) the child was under age 18 at the time he began living with the worker.

Effective date.—January 1, 1971.

Refund of Social Security Tax to Members of Certain Religious Faiths Opposed to Insurance

Under present law, members of certain religious sects, who have conscientious objections to social security by reason of their adherence to the established teachings of the sect, may be exempt from the social security self-employment tax provided they also waive their eligibility for social security benefits. This exemption was written largely to relieve the Olo Order Amish from having to pay the social security tax when, because of their religious beliefs, they would never draw social security benefits.

The committee bill, like the House bill, emption (by a refund or credit against income taxes at year end) from social security taxes to members of the sect who are "employees" covered by the Social Security Act as well as the "self-employed" members of the sect. The employee would have to file an application for exemption from the tax and waive his eligibility for social security and medicare benefits as the self-employed members must presently do. The provision specifically provides that there would be no forgiveness of the employer portion of the social security tax as the committee believes this would create an undesirable preference in the statute.

Trust Fund Expenditures for Rehabilitation Services

The committee added to the House bill a provision to authorize an increase in the amount of social security trust fund monies that may be used to pay for the costs of rehabilitating social security disability beneficiaries. The amount would be increased from 1 percent of the previous year's disability benefits to 1¼ percent for fiscal year 1972 and to 1½ percent for fiscal year 1973 and subsequent years.

Underpayments

The committee added a provision to the House bill under which additional relatives (by blood, marriage, or adoption) would be added to the present categories of persons listed in the law who may receive social security cash payments due a deceased beneficiary under title II of the Social Security Act.

Wage Credits for Members of the Uniformed Services

Present law provides for noncontributory social security wage credits of up to $100 a month, in addition to credit for basic pay, for military service performed after 1967. The committee bill, like the House bill, would provide that the additional wage credits would be extended to service in the period from 1957 (when military service was first covered under social security) through 1967. In addition, the committee bill would make a change in the way the additional credit is computed from $100 for each month of service to $300 for each quarter of service. The additional wage credits would affect approximately 130,000 beneficiaries immediately; about $35 million in additional benefits would be paid out in the first full year.

Effective date.—January 1, 1971.

2. Provisions of the House bill that were not changed by the committee

Special Payments to People Age 72 and Older

Under present law the special payments of $46 a month for an individual and $69 for a couple made to people age 72 and over who have not worked under the program long enough to qualify for regular cash benefits. Under the bill, the payments would be increased by 5 percent to $48.30 a month for an individual and $72.50 for a couple.

The benefit increase would be effective for the month of January 1971 but would not be paid until April.

Reduced Benefits for Widowers at Age 60

The 1965 amendments lowered from 62 to 60 the age of eligibility for widows but left the age of eligibility for dependent widowers at age 62. The bill provides that widowers who have attained age 60 would be eligible for reduced benefits, as widows are under present law.

Effective date.—January 1, 1971.

Liberal of the Retirement Test

The committee bill, like the House bill, provides an increase from $1,680 to $2,000 in the amount a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year.

Under present law, each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each dollar earned above $2,880 reduces benefits by $1. The bill would provide for a $1 reduction for each $2 earned with respect to all earnings above $2,000, not just those between $2,000 and 3,200.

For 1971 about 650,000 beneficiaries would receive additional benefits, and about 380,000 persons who would receive no benefits under present law would receive some benefits. Additional benefit payments for the first full year would be about $404 million.

Effective date.—Taxable years ending after 1970.

Disability Insurance Benefits Applications Filed After Death

The committee bill would permit disability insurance benefits (and dependents' benefits based on the worker's entitlement to disability benefits) to be paid to the disabled worker's survivors if an application for benefits is filed within 3 months after the disabled worker's death.

Effective date.—Deaths in and after year of enactment.

Penalty for Furnishing False Information To Obtain a Social Security Number

Under present law, penalties are not provided for individuals who give false information in order to secure multiple social security numbers with an intent to conceal their true identities. This has led to a number of problems in private industry and in the administration of Government programs. Therefore, the committee bill, like the House bill, would provide criminal penalties if an individual willfully furnishes false information with the intent to deceive the Secretary of Health, Education, and Welfare for the purpose of obtaining more than one social security number or of establishing a social security record under a different name. Upon conviction, an individual shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

Other Cash Benefit Amendments

The committee also deleted the House-passed amendment providing social security coverage for Federal Home Loan Bank employees and adopted amendments relating to widows who remarry, retroactive payments for certain disabled people, temporary employees of the Government of Guam, policemen and firemen in Idaho and policemen in Missouri, certain public hospital employees in New Mexico, registrars of voters in Louisiana, certain U.S. citizens who are self-employed outside the United States and certain part-time and student employees of State and local governments in Nebraska. Other amendments included in the committee's bill relate to the treatment of earnings of self-employed people paying taxes on a fiscal year basis, recomputation of benefits based on combined railroad and social security earnings and payment to a child entitled on the record of more than one worker.

B. MEDICARE AND MEDICAID

1. Provisions of the House bill that were not substantially changed by the committee

Relationship between Medicare and Federal employees benefits

The committee bill would require that effective January 1, 1972, no payment would be made under medicare for the same services covered under a Federal employees health benefits plan, unless in the meantime, the Secretary of Health, Education, and Welfare certifies that the Federal employees health benefits program has been modified to make available coverage supplementary to medicare benefits and that Federal employees and retirees age 65 and over will continue to have the benefit of a Government contribution toward their health insurance premiums.

Hospital Insurance for the Uninsured

People reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of medicare. Enrollment for supplementary medical insurance is also required. Those who enroll would pay the full cost of the protection—estimated at $27 a month at the beginning of the program, and rising as hospital costs rise. States and public organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over.

Limitation on Recognition of Physicians' Fee Increases

Charges determined to be reasonable under the present criteria in the medicare, medicaid, and maternal and child health law would be limitd by providing: (*a*) that after enactment of the bill medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the previous elapsed calendar year; (*b*) that for fiscal year 1972 and thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicians and in earnings levels; and (*c*) that for medical supplies, equipment, and services that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lower levels at which such supplies, equipment and services are widely available in a locality.

Termination of Payments to Suppliers of Services Who Abuse the Medicare Program

The Secretary of Health, Education, and Welfare would be given authority to terminate payment for services rendered by a supplier of health and medical services found to be guilty of program abuses. Program review teams would be established to furnish the Secretary professional advice in carrying out this authority.

Repeal of Medicaid Provision Requiring Expanded Programs

The requirement in present law that States have comprehensive medicaid programs by 1977 would be repealed.

State Determination of Reasonable Hospital Costs

States would be permitted to pay hospitals on the basis of their own determination of reasonable cost, provided there is assurance that the medicaid program would pay the actual cost of hospitalization of medicaid recipients.

Government Payment No Higher Than Charges

Payments for institutional services under the medicare, medicaid, and maternal and child health programs could not be higher than the charges regularly made for those services.

Federal Matching for Modern Claims Processing Systems

Federal matching at the 90-percent rate would be available under medicaid for the States to set up mechanized claims processing and informational retrieval systems. Federal matching for the continuing operation of such systems would be at the 75-percent rate.

Prohibition of Reassignments

Medicare (part B) and medicaid payments to anyone other than a patient, his physician, or other person providing the service, would generally be prohibited, unless the physician (or, in the case of medicaid, another type of practitioner) is required as a condition of his employment to turn over his fees to his employer or unless there is a contractual arrangement between the physician and the facility in which the services were provided under which the facility bills for all such services.

Utilization Review in Medicaid

Hospitals and skilled nursing homes participating in the medicaid and maternal and child health programs would be required to have the same type of utilization review committee with the same functions as are required in the medicare program. (Any such committee actually performing such functions for medicare purposes would apply these to medicaid cases.)

Medicaid Deductibles for the Medically Indigent

Present law requires medicaid cost sharing provisions for the medically-indigent to vary directly with the amount of the recipient's income.

This has created an impossible administrative situation for States desiring to apply uniform reasonable copayment requirements (for example, 50 cents or $1 per prescription).

The amendment would permit States to employ reasonable cost sharing provisions with respect to health services for the medically indigent without requiring variations because of differences in income levels of different medically indigent recipients.

Terminating Payment Where Hospital Admission Not Necessary Under Medicare

If the utilization review committee of a hospital or extended care facility, in its sample review of admissions, finds a case where institutionalization is no longer necessary, payment would be cut off after 3 days. This provision parallels the provision in present law under which long-stay cases are cut off after 3 days when the utilization review committee determines that institutionalization is no longer required.

Role of State Health Agencies in Medicaid

State health or other appropriate State medicaid agencies would be required to perform certain functions under the medicaid and maternal and child health programs relating to the quality of the health care furnished to recipients.

Retroactive Coverage Under Medicaid

States would be required to cover under medicaid the cost of health care provided to an eligible individual during the 3-month period before the month in which he applied for medicaid.

Certification of Hospitalization for Dental Care

A dentist would be authorized to certify to the necessity for hospitalization to protect the health of a medicare patient who is hospitalized for noncovered dental procedures.

Christian Science Sanatoriums Under Medicaid

Christian Science sanatoriums would be exempted from the medicaid requirement that they have a licensed nursing home administrator and from other inappropriate skilled nursing home requirements.

Grace Period for Paying Medicare Premium

Where there is good cause for a medicare beneficiary's failure to pay supplementary medical insurance premiums, an extended grace period of 90 days would be provided.

Extension of Time for Filing Medicare Claims

The time limit for filing supplementary medical insurance claims would be extended where the medicare beneficiary's delay is due to administrative error.

Waiver of Enrollment Requirements in Cases of Administrative Error

Where an individual's enrollment rights under part B of medicare have been prejudiced because of inaction or error on the part of the Government, the Secretary would be authorized to provide equitable relief to the individual.

Enrollment Under Medicare

Eligible individuals would be permitted to enroll under medicare's supplementary medi-

cal insurance program during any prescribed enrollment period. Beneficiaries would no longer be required to enroll within 3 years following first eligibility or a previous withdrawal from the program. Relief would be provided where administrative error has prejudiced an individual's right to enroll in medicare's supplementary medical insurance program.

Waiver of Medicare Overpayment

Where incorrect medicare payments were made to a deceased beneficiary, the liability of survivors for repayment could be waived if the survivors were without fault in incurring the overpayment.

Medicare Fair Hearings

Fair hearings, held by medicare carriers in response to disagreements over amounts paid under supplementary medical insurance, would be conducted only where the amount in controversy is $100 or more.

Collection of Medicare Premium by Railroad Retirement Board

Where a person is entitled to both railroad retirement and social security monthly benefits, his premium payment for supplementary medical insurance benefits would be deducted from his Railroad Retirement benefit in all cases.

2. Provisions of the House bill modified by the committee

Limitation on Federal Payment for Disapproved Expenditures

Reimbursement amounts to providers of health services under the medicaid, medicare, and maternal and child health programs for capital costs, such as depreciation and interest, would not be made with respect to large capital expenditures which are inconsistent with State or local health facility plans. The committee added a provision which would require States which apply this provision to establish an appeals mechanism at the State level for purposes of considering adverse decisions.

Experiments and Projects in Prospective Reimbursement and Incentives for Economy

The Secretary of Health, Education, and Welfare would be required to develop experiments and demonstration projects designed to test various methods of making payment to providers of services on a prospective basis under the medicare, medicaid and maternal and child health programs. In addition, the Secretary would be authorized to conduct experiments with methods of payment or reimbursement designed to increase efficiency and economy. The committee added a provision which would allow the Secretary to include in such projects community mental health centers, and ambulatory care facilities.

Limits on Costs Recognized as Reasonable

The Secretary of Health, Education, and Welfare would be given authority to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparisons of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are necessary to the efficient delivery of needed health services (except in the case of an admission by a physician who has a financial interest in the facility). The committee added a provision which would further define unreasonable costs as including those resulting from gross inefficiency.

Limitation on Federal Medicaid Matching

The House bill provided for a one-third cutback in Federal medicaid matching after a medicaid patient had received 90 days of care in a skilled nursing home or 90 days in a mental hospital or 60 days in a general hospital in a year. The committee substituted for the House section a provision which would authorize the Secretary of HEW to reduce the matching selectively in those States where he finds inadequate medical audit and utilization review. The cutback in matching would be related to the degree of excessive costs resulting from inadequate review and audit.

Payment for Supervisory Physicians in Teaching Hospitals

The committee modified the provision in the House bill which would provide for payment for services of certain teaching physicians on a cost basis and would make fee-for-service reimbursement contingent on general billing for such services to all patients and collection from those able to pay. Under the committee modification, reimbursement of physician time in the teaching serivce would be determined on a cost or cost-equivalent basis. Reimbursement for such services would be made on a reasonable-charge basis if the hospital had, in the 2-year period ending in 1967, and subsequently, customarily charged all patients and collected from a majority of patients on a fee-for-service basis, or if a bonafide private patient relationship had been established.

Institutional Planning and Budgeting

Health institutions under the medicare program would be required to have a written plan reflecting an operating budget and a capital expenditure budget. The committee clarified this provision to stipulate that the operating budget would not have to be a detailed item budget.

Modifications in Extended Care and Home Health Benefits

The committee modified the provisions of the House bill which would authorize the Secretary of Health, Education, and Welfare to establish presumptive periods of coverage on the basis of a physician's certification for patients admitted to an extended care facility or started on a home health plan. The committee provides that, to the extent feasible, pre-admission review of extended care admissions would be required and unless disapproved, coverage upon admission would continue for the lesser of (1) the initially certified period, (2) until notice of disapproval, or (3) 10 days. Where certifications and evidence were provided in a timely basis, any subsequent determination (for purposes of determining medicare payments liability) that the patient no longer required covered care would be effective 2 days after notification to the facility. The committee provides for a similar approach to the determination of coverage of home health services.

Payments to Health Maintenance Organizations

Medicare beneficiaries could choose to have their care provided by a health maintenance organization (a prepaid group health or other capitation plan). Medicare would contract with such organization, and would reimburse them on a capitation basis at a rate equivalent to 95 percent of the per capita costs of medicare beneficiaries in the area with actuarial adjustments taking into account variations in patient mix. Profits accruing to the organization, beyond their retention rate for non-medicare members would be passed to the medicare enrollees in the form of expanded benefits. The committee substantially tightened the provision so as to define more specifically the quality standards and reimbursement mechanisms which would apply to the organizations as well as including additional safeguards against potential abuse and exploitation.

Physical and Other Therapy Services Under Medicare

The committee removed the provision in the House bill which would authorize reimbursement up to $100 for physical therapy services in a therapist's office.

The committee modified the limitation on reimbursement for institutional therapy basis, and also extended the limitation from a "salary equivalent" to a "salary related" basis, and also extended the limitation to apply to other therapists, dieticians, social workers and medical records librarians for their services provided in an institutional setting.

Medicare Benefits for People Living Near U.S. Border

The House bill provides that medicare beneficiaries living in the border areas of the United States would be entitled to covered inpatient hospital care if the hospital they use is closer to their residence than a comparable U.S. hospital and if it has been accredited by a hospital approval program with standards comparable to medicare standards. The committee added to the House bill a provision extending coverage in these cases to physicians' and ambulance services furnished in conjunction with covered foreign hospital care.

3. New provisions added by the committee

Professional Standards Review Organizations

The committee provided for the establishment of Professional Standards Review Organizations formed by organizations representing substantial numbers of practicing physicians in local areas to assume responsibility for comprehensive and ongoing review of services provided in the medicare and medicaid programs. The purpose of the amendment is to assure proper utilization of care and services provided in medicare and medicaid through a formal professional mechanism representing the broadest possible cross-section of physicians in an area. Appropriate safeguards are included so as to adequately provide for protection of the public interest and to prevent pro forma assumption and carrying out of the vitally important review activities in the two highly-expensive programs. The amendment provides for the use by the PSRO of effective utilization review committees in hospitals and medical organizations.

Conform Medicare and Medicaid Standards for Nursing Facilities

The committee added to the House bill a provision which would require that health, safety, environmental, and staffing standards for extended care facilities be uniform with those established for skilled nursing homes under medicaid.

Inspector General for Health Administration

An Office of Inspector General for Health Administration would be established within the Department of Health, Education, and Welfare. The Inspector General would be appointed by the President, would report to the Secretary, and would be responsible for reviewing and auditing the social security health programs on a continuing and comprehensive basis to determine their efficiency, economy, and consonance with the law.

Proficiency Evaluation of Otherwise Disqualified Health Care Personnel

The committee bill would require the Secretary of Health, Education, and Welfare to develop and employ proficiency examinations to determine whether health care personnel, not otherwise meeting specific formal criteria now included in medicare regulations, have sufficient training, experience, and professional competence to be considered qualified personnel for purposes of the medicare program.

Penalty for Fraudulent Acts Under the Medicare and Medicaid Programs

The committee added to the House bill a provision which would broaden the present penalty provisions relating to the making of a false statement or representation of a mate-

rial fact in any application for medicare payments, to include the soliciting, offering, or acceptance of kickbacks or bribes, including the rebating of a portion of a fee or a charge for a patient referral, by providers of health care services. The penalty for such acts, as well as the acts currently subject to penalty under medicare, would be imprisonment up to one year, a fine of $10,000, or both. In addition, the committee bill provides that similar penalty provisions apply under medicaid.

The committee also provided that anyone who knowingly and willfully makes, or induces the making of, a false statement of material fact with respect to the conditions and operation of a health care facility or home health agency in order to secure medicare or medicaid certification of the facility or agency, would be guilty of a misdemeanor punishable by up to 6 months' imprisonment, a fine of not more than $2,000, or both.

Inclusion of American Samoa and the Trust Territory of the Pacific Islands Under Title V

The committee bill would include the Trust Territory of the Pacific Islands and American Samoa as eligible to receive funds under the maternal and child health and crippled children programs (title V).

Provide for Reasonable Approval of Rural Hospitals

The committee added to the House bill a provision which would authorize the Secretary of Health, Education, and Welfare to waive, on an annual basis, the requirement that an access hospital have registered professional nurses on duty around the clock, but only if he finds that the hospital: (a) has made, and is continuing to make, a bona fide effort to comply with the nursing staff requirement but is unable to employ the qualified personnel necessary because of nursing personnel shortages in the area and has an RN on the daytime shift; (b) is located in a geographical area in which hospital facilities are in short supply; and (c) nonparticipation of the "access" hospital would seriously reduce the availability of hospital services to beneficiaries residing in the area. The waiver authority would expire December 31, 1975.

Consultants for Extended Care Facilities

The committee added to the House bill a provision to authorize State agencies to provide consultative services to those extended care facilities which request them in such specialty areas as maintenance of medical records and the formulation of policies governing the provision of dietary and social services. Medicare payment would be made directly to the State agency for the costs incurred in rendering these consultative services. The provision of such services by the State would satisfy the medicare requirements relating to the use of consultants in the appropriate specialty areas.

Public Access to Records Concerning Institutions' Qualifications

The committee added to the House bill a provision under which the Secretary of Health, Education, and Welfare would be required to make reports of an institution's significant deficiencies (such as deficiencies in the areas of staffing, fire, safety, and sanitation) a matter of public record readily and generally available at social security district offices if, after a reasonable lapse of time (not to exceed 90 days), such deficiencies were not corrected.

Simplified Reimbursement of Extended Care Facilities

The committee provision would authorize the Secretary of Health, Education, and Welfare to adopt (and adjust as specified), as reasonable-cost payments for extended care facilities in any State, the rates developed in that State under medicaid for reimbursement of skilled nursing care, if the Secretary finds that they are based upon reasonable analyses of costs of care in comparable facilities.

Authority for Establishing Liens to Permit Recovery of Overpayments

The committee added a provision to the House bill to facilitate the recoupment of overpayments to providers of services by authorizing the Secretary of Health, Education, and Welfare, when he determines it to be necessary for purposes of recovering an overpayment to a provider, to establish a lien in favor of the Government in the amount of the overpayment, preserving in the course of such action the right of the provider to contest the amount of the overpayment and to seek release of the lien to clear title.

Direct Laboratory Billing

The committee bill would authorize direct payment to laboratories for diagnostic tests at a negotiated rate provided that such rate does not exceed the amount which is payable under present law.

Refunding of Excess Medicare Premiums

The committee bill would authorize the refunding of excess medicare premiums paid prior to a beneficiary's death.

Waiver of Recovery of Erroneous Payment

The committee provisions would limit medicare's right of recovery of an erroneous payment to a three-year period from the date of the payment, where the institution or person involved acted in good faith. Similarly, the Secretary of H.E.W. would specify a reasonable period of time (not to exceed 3 years) after which medicare would not be required to accept claims for underpayment or nonpayment.

Provider Reimbursement Appeals Board

The committee amendment would establish an appeals board to hear appeals on reimbursement decisions made by intermediaries, under certain conditions, and where the amount at issue was $10,000 or more.

Prosthetic Lenses Furnished by Optometrists

The committee amended the definition of physician in medicare to include a licensed doctor of optometry, but only with respect to establishing the medical necessity of prosthetic lenses.

Chiropractors

The committee amendment would delete the study of chiropractic services called for in the House bill and would substitute a provision which would provide for the coverage under medicare of services involving manipulation of the spine by licensed chiropractors, if the chiropractor meets certain minimum standards established by the Secretary of Health, Education, and Welfare. The same limitations on chiropractic services would also be applicable to States providing such care under medicaid.

Colostomy Supplies

The committee provided for the inclusion of materials directly related to the care of colostomies as a reimbursable expense under medicare.

Section 1902(d)

The committee added a provision to the House bill which would repeal section 1902 (d) which requires States to maintain their level of fiscal expenditures from year-to-year in their medicaid programs.

Separately, the committee also provided that the 1902(d) maintenance of fiscal effort provision would not apply to Missouri effective for the year beginning July 1, 1970.

Increase in Maximum Federal Medicaid Matching for Puerto Rico

The $20 million ceiling on Federal medicaid matching for Puerto Rico would be raised to $30 million under the committee provision.

Health Screening of Children

The committee would authorize the Secretary to establish orderly priorities in the implementation of the presently required health care screening for children programs, with initial priority being given to preschool children.

Relationship Between Medicaid and Comprehensive Health Programs

The committee bill would permit a State to make arrangements with comprehensive health care programs for the delivery of services on a pre-paid basis to medicaid recipients, subject to the approval of the Secretary.

Intermediate Care Facilities

Under the committee amendment, the intermediate care provision would be transferred from title XI to title XIX. An ICF would be required to have at least one full-time licensed practical nurse on its staff, and care in ICF's would be subject to professional audit and utilization review requirements. The mentally retarded receiving active treatment in public institutions meeting appropriate standards established by H.E.W. would be eligible for Federal matching funds.

Termination of Nursing Home Administrators Advisory Council

The committee would terminate the Advisory Council on December 31, 1970. Under present law the council would be terminated December 31, 1971.

Coverage of Mentally Ill Children Under Medicaid

The committee bill would authorize coverage of inpatient care in State and local mental institutions for medicaid recipients under age 21, provided that the care consists of active treatment, that is provided in an accredited institution, and that the State maintain its own level of fiscal expenditure for care of the mentally ill under 21.

Definition of "Physician" in Medicaid

The committee bill would define "physician" in title XIX to mean a doctor of medicine or a doctor of osteopathy.

75 Percent Medicaid Matching Funds for Professional Medical Personnel

The present 75 percent Federal medicaid matching rate for professional medical personnel in State agencies would be expanded to also include such personnel who, on a contract or similar basis, undertake independent professional and medical audits of medicaid patients.

C. CATASTROPHIC HEALTH INSURANCE PROGRAM

The committee added to the House bill an amendment which would establish a program of catastrophic health insurance under the Social Security Act for all persons under age 65 who are insured under social security, their spouses and dependent children, as well as all persons under age 65 who are entitled to retirement, survivors, or disability benefits under title II of the act. The health services to be covered, and the applicable exclusions, are the same as under the medicare program, except that there would be no upper limit on covered hospital or extended care days or home health visits. Under the catastrophic health insurance program, benefits would be payable toward the costs of inpatient hospital services and post-hospital extended care services above an annual deductible of 60 days of inpatient hospital care for each individual, subject to a daily coinsurance amount. The program would also cover 80 percent of reasonable costs incurred for home health care and hospital outpatient services, and 80 percent of reasonable charges incurred for other covered medical services above an annual deductible amount which would initially be set at $2,000 per family and which would rise in accordance with any increases in the physicians' services component of the Consumer

Price Index. The program could be administered through regular medicare administrative procedures and subject to all utilization, cost, quality and administrative controls applicable under that program. Coverage under the program would be effective beginning January 1, 1972, and the financing provisions necessary to pay for the additional benefits would become effective at the same time.

D. FINANCING OF SOCIAL SECURITY TRUST FUNDS

In order to pay for the additional costs of the social security changes proposed in the committee bill, including the new catastrophic illness insurance and the existing actuarial deficit in the hospital insurance program, the social security tax base would be increased from $7,800 a year to $9,000 a year, starting January 1, 1971, as in the House-passed bill.

In addition, a new schedule of taxes would be provided. Like the schedule of taxes proposed in the House bill, the committee bill would decrease the taxes paid under the cash benefits program over the next few years, and increase the taxes paid under the hospital insurance program. Also, the committee bill provides an additional tax of 0.3 percent in 1972, rising to 0.4 percent in 1980 to pay for the catastrophic illness insurance provided in the bill.

E. TRADE ACT OF 1970

Purposes

The committee's trade amendment (Title III of this bill) is derived, with changes, from H.R. 18970 which passed the House of Representatives on November 19, 1970.

In brief, the general purposes of the Committee's trade amendment are:

(1) To provide to the President limited tariff-reducing authority for compensatory purposes until July 1, 1975;

(2) To strengthen our unfair trade practice statutes and thus enable industy and workers who are adversely affected by unfair foreign trade practices to receive a fair opportunity for relief;

(3) To revise the adjustment assistance and tariff adjustment procedures and criteria in the Trade Expansion Act of 1962, and provide a fair opportunity for injured industries, firms, and workers to receive adequate and prompt relief;

(4) To establish import quotas on textiles and footwear, unless: (a) the President finds them not to be in the national interest or (b) voluntary agreements limiting such imports are consummated with foreign governments, or (c) the President finds that imports do not disrupt the U.S. market;

(5) To revise the national security provisions of the Trade Expansion Act to preclude the use of duties or tariffs whenever the President has determined that imports of a particular product or material are threatening to impair the national security;

(6) To strengthen the independent status of the U.S. Tariff Commission; and

(7) To make various other changes in our tariff and trade laws which will streamline the procedures dealing with specific import or export problems.

Trade Agreement Authority

The President's trade agreement authority under the Trade Expansion Act of 1962 terminated at the close of June 30, 1967. The President has been without such authority since that time and in his trade message to the Congress, of November 18, 1969, he requested renewal of the authority, including new authority to reduce duties.

The committee amendment would extend the President's authority to enter into new trade agreements under the Trade Expansion Act of 1962 to July 1, 1975. The President is given new authority to reduce duties by 20 percent, or 2 percentage points, below the rates of duty which will exist when the final stage of the Kennedy Round reduction becomes effective on January 1, 1972. The committee amendment would limit the President's authority to enter into and carry out new trade agreements to those situations in which compensatory concessions are necessary to offset the effects of an increase in U.S. duties or imposition of other restrictions by the U.S. Government on the products of a foreign country which were bound under a trade agreement. Should reductions in duty under the new authority be agreed to prior to the final stages of the Kennedy Round, the remaining stages of Kennedy Round reductions and the new reductions agreed to are to be aggregated and made effective in at least two stages.

Other Presidential Authority

Concern has been expressed about the barriers to trade which have developed despite the Kennedy Round of trade negotiation. In 1962, the Committee on Finance added section 252 to the Trade Expansion Act to provide new authority and direction to the President to act against import restrictions or other acts of foreign countries which unjustifiably or unreasonably burden or discriminate against U.S. commerce. The Trade Act of 1970 broadens the President's authority to deal with foreign trade barriers and streamlines the procedures for handling specific complaints.

The Trade Act of 1970 also amends the President's authority to safeguard the national security by providing that any adjustment of imports under the national security authority shall not be accomplished by the imposition or increase of any duty or of any fee or charge having the effect of a duty. In addition, time limitations are imposed on the Director of the Office of Emergency Preparedness in making determinations on applications for action under the national security provision.

Tariff Adjustment and Adjustment Assistance

The need for making less rigid the criteria for determining serious injury from increased imports is met in title III both for tariff adjustment for industries and adjustment assistance in the case of firms or groups of workers.

Tariff Adjustment.—In present law, the criteria for determining serious injury are the same for tariff adjustment for industries and for adjustment assistance for firms and workers. The committee agrees with the House and the Administration that the present criteria are too stringent. Under the new provisions, the Tariff Commission, in the case of tariff adjustment, or the President, in the case of adjustment assistance, is to determine whether increased imports *"contribute substantially"* toward causing or threatening to cause serious injury. In the case of tariff adjustment, the committee provided that increased imports must be related in whole or in part to the duty or other customs treatment reflecting tariff concessions agreed to by the United States.

If serious injury is found to an industry, those Commissioners finding injury are to make an additional determination under the new provision. This additional determination will be in the affirmative if the Commission finds that imports of the article are: (1) acutely or severely injuring a domestic industry or (2) threatening to acutely or severely injure a domestic industry.

A majority of the Commissioners present and voting is to be required for an affirmative injury determination and a majority of those Commissioners finding injury under the criteria provided must determine the type of import restriction required to remedy the injury.

When the Commission finds and reports to the President an affirmative injury determination, the President is required to take such action as he deems necessary to prevent or remedy the injury so found unless he determines that such action is not in the national interest. In the case of an additional affirmative determination by the Commission on the question of acute or severe injury, the President is required to impose the import restrictions found by the Commission to be necessary to prevent or remedy the acute or severe injury unless he determines that such action would not be in the national interest. As is presently provided, if the President does not make effective the remedy determined by the Tariff Commission, he must report to the Congress within 60 days of the receipt of the Tariff Commission's report and findings. In such case, the existing provisions of law with respect to Congressional implementation of the Tariff Commission finding as to the action necessary to prevent or remedy the injury would continue to apply.

Section 352 of the Trade Expansion Act with regard to orderly marketing agreements is amended to provide that the President may, at any time, negotiate such agreements on articles subject to tariff adjustment or upon which he has received an affirmative injury determination.

New review procedures on pending tariff adjustment action are provided. In any report by the Tariff Commission reviewing such tariff adjustment actions, it must include information on steps taken by firms in the industry to compete more effectively with imports. In addition, in any review of tariff adjustment actions by the Tariff Commission, as a result of which the President may determine to extend, in whole or in part, or terminate such action, the Commission will be required to determine whether the existing restrictions on imports are sufficient to prevent or remedy injury to the domestic industry.

Adjustment Assistance.—The Trade Act of 1970 also revises the procedures for petitions by firms or groups of workers to provide that petitions by firms or groups of workers are to be made to the President rather than the Tariff Commission. The Tariff Commission will continue to provide the President with a factual report to assist the President in making his determination as to eligibility of firms and groups of workers to apply for adjustment assistance.

The amendment provides increased trade adjustment allowances payable to adversely affected workers. Under existing law, the allowance is 65 percent of the worker's average weekly wage or 65 percent of the average weekly manufacturing wage, whichever is lower. The amendment increases each of these percentages to 75 percent.

The amendment provides that if the President does not provide tariff adjustment for an industry after an affirmative injury determination by the Tariff Commission, he is required to provide that the firms and workers in that industry may request certification of eligibility for adjustment assistance.

The Committee also provided the Tariff Commission with a period of 90 days after the date of enactment of this Act to make the necessary changes in its rules and regulations and to so organize its staff to expeditiously process the tariff adjustment and adjustment assistance petitions filed under the provisions of this Act. No new petition may be filed under section 301(a) of the Trade Expansion Act until the Tariff Commission issues new rules and regulations, which must be within 90 days after enactment.

Quotas on Certain Textile and Footwear Articles

We believe that the tariff adjustment amendments described above will be sufficient to deal with competitive situations facing many domestic producers in the economy. However, the effects of rapidly increasing imports on two basic industries are such as to require extraordinary measures. Part B of title III of this bill deals with the ex-

tremely serious threat to the textile and apparel industry and to the nonrubber footwear industry.

Under part B of title III, the total quantities of imports of certain textile and footwear articles are to be limited by category and by country beginning in the year 1971. For that year, imports are to be limited to the annual average quantities imported during the three calendar years 1967 through 1969. For the years after 1971, the total quantity of imports of each category of textile articles or footwear articles is to be limited to the quantity determined for the foreign country for the preceding year plus an increase determined by the President. Any such increase is to be limited to a percentage not over 5 percent of the total quantity permitted to be entered in the immediately preceding year as the President determines to be consistent with the purposes of the quota provisions.

The President is authorized to exempt from quotas imports of articles: (1) which he determines are not disrupting the U.S. market, (2) when he determines that the national interest requires such action, or (3) when he finds that the supply of such articles in the domestic market is insufficient to meet demand at reasonable prices.

In addition, the President is authorized to negotiate agreements under which imports of textiles and footwear would be controlled on a voluntary basis. Imports covered by such agreements would also be exempt from quantitative limitations as would imports of cotton textile articles as a result of the existing Long Term Arrangements on Cotton Textiles.

Determinations with respect to the establishment of or change in quantitative limitations or exemptions from such limitations, other than determinations made by the President for national interest reasons, would be subject to the rulemaking provisions of the Administrative Procedure Act.

The quota limitations provided in the bill would terminate on July 1, 1976, unless the President finds that the extension of the quantitative limitations for periods not to exceed 5 years would be in the national interest.

Other Tariff and Trade Provisions

The magnitude and the nature of U.S. foreign trade has changed remarkably over the past decade. Although both imports and exports separately account for about 4 percent of the gross national product, they now exceed $80 billion. The committee is concerned that the rules of competition governing this volume of trade be fair to all concerned. Consequently, the committee has tightened the domestic procedures with respect to such international trade practices as dumping and subsidization of exports. Greater recognition as to the role of the Tariff Commission as an independent agency is emphasized in amendments made to the Tariff Act of 1930. The committee directs the Executive and the Tariff Commission to conduct a series of studies aimed at developing basic principles of free and fair trade, insuring reciprocity for U.S. commerce, and fair international labor standards. Provision is also made for the solution of specific trade problems which cannot be remedied under existing provisions of law.

Antidumping Act of 1921

The Antidumping Act is amended to provide that the Secretary of the Treasury must take initial action within 4 months after the question of dumping has been presented to him. In exceptional cases the Secretary would have an additional 90 day period to reach such a finding, if he published in the Federal Register, within 60 days after the complaint is received, the reasons why additional time is absolutely necessary. Under the committee amendment, this would require the withholding of appraisement within that period should the Secretary of the Treasury have reason to suspect that sales at less than fair value are, or are likely to be, taking place. Should the Secretary of the Treasury's initial action involve a tentative negative determination, the Secretary would be authorized to withhold appraisement within three months after the notice of negative determination has been made if he should reverse his initial negative determination. In addition, the Antidumping Act is amended to provide criteria for a determination of dumping with regard to imports from State controlled economies. The amendment reflects existing Customs practices.

Countervailing Duty Provision

The countervailing duty provision is amended to require the Secretary of the Treasury to make a determination within 12 months after the question is presented to him as to whether a bounty or grant has been bestowed on imports into the United States.

Under the bill, subsidized duty-free imports are also to be subject to the countervailing duty provisions but only if the Tariff Commission should determine that such subsidized imports are injuring a domestic industry. The countervailing duty provision is also amended to provide the Secretary of the Treasury with discretionary authority with respect to the imposition of a countervailing duty on an article subject to quantitative limitation or subject to agreements under which the volume of exports to the United States is limited. Countervailing duties would be imposed when the Secretary determines that such limitations are not an adequate substitute for a countervailing duty with respect to the article in question.

Tariff Commission

In view of the added investigative and statutory burden on the Tariff Commission which will result from this legislation and in view of the concern of the committee to protect the independent nature of the Tariff Commission, the committee provided, in effect, that the Tariff Commission's budget shall be directly appropriated by the Congress (as is the budget of other independent agencies such as the General Accounting Office), and that the Executive shall not have authority to reorganize the Commission. The committee bill also would direct the Tariff Commission to do a number of studies which could lay the groundwork for a fresh approach to U.S. trade problems and agreements.

Comprehensive Studies by the President and Tariff Commission

There are a number of outstanding problems in the field of international trade which require intensive study. One such problem is the apparent lack of balance and reciprocity in the General Agreement on Tariffs and Trade. The presently constituted GATT agreement contains certain provisions that were written in 1947 when the United States had an overwhelmingly dominant position in world trade. They were designed at that time to put more dollars into the hands of the then war-torn European countries. The international economic positions of Europe, Japan, and the United States have changed so radically since the end of World War II that a new executive agreement incorporating the provisions of commercial reciprocity in all trade and investment matters appears to be desirable. As a first step toward the realization of this goal, the committee's bill authorizes and directs the executive branch and the Tariff Commission to conduct a series of studies dealing with the U.S. position in world trade and the rules under which trading nations can freely and fairly compete in world markets. It would be expected that this series of studies will lead to concrete negotiating proposals to the Congress and ultimately to new agreements and machinery for coping with all trade and investment problems.

Foreign Trade Statistics

The committee trade amendment also provides for the collection and publication of U.S. import statistics which will show c.i.f. value and thus include the cost of insurance, freight and other charges associated with c.i.f. value. This is the practice recommended to all countries by the United Nations and the International Monetary Fund for computing balance of trade statistics. Over 100 countries have adopted the so-called *c.i.f.* basis of measuring imports; only the United States and a few other countries use the free on board (f.o.b.) system, under which imports are tabulated on the basis of their value at the foreign port. The committee felt that the c.i.f. system will be more comparable to the method of publishing import statistics used by most other countries. Moreover, the committee's bill provides that U.S. exports, which are financed directly by Government grants and credits, should be shown separately from other exports on all monthly statistics which are published by the Department of Commerce.

Miscellaneous Trade Provisions

The committee trade amendment also would provide certain tariff-rate quota controls on imports of glycine and related products and on mink furskins.

The committee also provided a quarterly allocation of meat import quotas and closes a loophole concerning "prepared" fresh, chilled, and frozen beef and veal. The committee amendment does not extend the meat quota provisions to any other products not currently under quota.

The committee amendment also provides that additional invoice information will be required from foreign shippers for the purpose of statistical classification of imports.

The committee amendment also would reduce the rate of duty on parts of ski bindings.

A new provision of law would authorize the President to impose a suspension of trade with a nation which permits the uncontrolled or unregulated production of or trafficking in certain drugs in a manner to permit these drugs to fall into illicit commerce for ultimate disposition and use in this country.

F. AMENDMENTS TO PUBLIC PROGRAMS AND WORK INCENTIVE PROGRAM

1. Aid to the aged, blind, and disabled

National Minimum Income Standards for the Needy Aged, Blind, and Disabled

The committee bill would establish a national minimum income level for persons who receive cash assistance under federally matched State welfare programs for the needy aged, blind, and disabled. States would be required to provide a level of assistance sufficient to assure persons in these categories a total monthly income from all sources of at least $130 for a single individual or $200 for a couple. In the aged category this provision would result in increased assistance for eligible single aged individuals in about 31 States and for eligible aged couples in about 36 States. Concurrently with establishing these national minimum standards for assistance to the aged, blind, and disabled, the committee bill would make persons receiving such assistance ineligible to participate in the food stamp program. In effect, the bill would give needy persons more cash in lieu of food stamps.

Pass-Along of Social Security Increases to Welfare Recipients

Under other provisions of the bill, social security benefits would be increased by 10 percent, with the minimum basic social security benefit increased to $100 from its present $64 level. If no modification were made in present welfare law, however, many needy aged, blind, and disabled persons would get

no benefit from these substantial increases in social security since offsetting reductions would be made in their welfare grants. To assure that such individuals would enjoy at least some benefit from the social security increases, the committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual and $15 per month for a couple. As a result of this provision, recipients of aid to the aged, blind, or disabled, who are also social security beneficiaries, would enjoy an increase in total monthly income of at least $10 ($15 in the case of a couple).

DEFINITIONS OF BLINDNESS AND DISABILITY

The committee bill provides for the establishment of nationally uniform definitions of blindness and disability for purposes of the federally matched programs of assistance to the blind and disabled. The definitions adopted are those already applied in the disability insurance program established under title II of the Social Security Act.

The term "disability" would be defined by the committee bill as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months," with further clarification of the meaning of "substantial gainful activity."

The term "blindness" would be defined as "central visual acuity of 20/200 or less in the better eye with the use of correcting lens." Also included in this definition would be the particular sight limitation which is referred to as "tunnel vision."

Under present law each State is free to prescribe its own definition of blindness and disability, and the committee bill would permit States to continue assistance to individuals who are now on the rolls under the existing State definition, but who would not be considered blind or disabled under the new Federal definitions.

Prohibition of Liens in the Program of Aid to the Blind

The committee bill would prohibit any State from imposing a lien on a blind individual's property as a condition of his receiving Federally-matched Aid to the Blind welfare payments. Present law leaves the matter of liens up to the discretion of the States.

Fiscal Relief for the States

The committee bill includes a provision which generally would not require States in future years to spend more for assistance to the aged, blind, and disabled than 90 percent of their expenditures for this purpose in calendar year 1970. The 10 percent savings would be paid from Federal funds as would the full amount of any increased expenditures resulting from mandatory provisions of the bill (such as the $10 pass-along of social security increases and the $130 national minimum standard for assistance to the aged, blind, and disabled). Increases in caseloads resulting from normal program growth would also be fully paid for with Federal funds, but increased expenditures resulting from liberalizations in State welfare programs not required by Federal law would not be covered by the 90 percent limitation. Such optional State liberalizations would be financed in accord with the regular Federal-State matching provisions.

2. Child Care

Although present law includes provisions designed to make child care services available to needy families with children, these services are still unavailable to many who need them. The lack of child care is particularly serious for those who wish to participate in work or training programs, or who undertake employment in an effort to become economically independent. The committee bill would promote the development of additional services both by providing for more favorable matching to the States for child care services and by establishing a new mechanism for the delivery of these services, the Federal Child Care Corporation.

Federal Matching Share

The bill provides for an increase from 75 percent to 90 percent in the Federal matching share for child care services provided by the States under title IV part A of the Social Security Act. The Secretary of Health, Education, and Welfare would be authorized to pay 100 percent of the cost of child care for a limited period of time in cases where he determined that necessary care would otherwise be unavailable. The 90 percent matching rate would be available to the States for child care for families receiving Aid to Families with Dependent Children and also for past and potential recipients, if the State has adopted the optional program for these groups. States would be required to maintain their present efforts so that additional Federal funds would result in expanded child care services.

Federal Child Care Corporation

As a mechanism to expand the availability of child care services, the bill would establish a Federal Child Care Corporation. The Corporation would have as its first priority making available child care services to children of parents eligible for such services under the AFDC program and who need them in order to participate in employment or training. However, it would also have the broader function of making child care available for any family which may need it, regardless of welfare status.

The bill provides for $50 million as initial working capital for the Corporation. This amount would be in the form of a loan by the Secretary of the Treasury and would be placed in a revolving fund. The money would be used by the Corporation to begin arranging for child care services. Initially, the Corporation would contract with existing public, private nonprofit, and proprietary facilities to serve as child care providers. To expand services, the Corporation would also give technical assistance and advice to organizations interested in establishing facilities under contract with the Corporation. In addition, the Corporation could provide child care services in its own facilities.

Fees would be charged for all services provided or arranged for by the Corporation. The fees would go into the revolving fund to provide capital for further development of services and to repay the initial loan. They would be set at a level which would cover the costs to the Corporation of arranging child care.

The bill also includes a provision which authorizes the Corporation to issue bonds for construction if, after the first two years of operation, the Corporation feels that additional funds for capital construction of child care facilities are needed. Up to $50 million in bonds could be issued each year, with an overall limit of $250 million on bonds outstanding. Construction is to be undertaken only if child care services cannot be provided in existing facilities.

Federal child care standards are specified in the amendment to assure that adequate space, staff and health requirements are met. In addition, facilities used by the Corporation would have to meet the Life Safety Code of the National Fire Protection Association. Any facility in which child care is provided by the Corporation, either directly or by contract, would have to meet the Federal standards, but would not be subject to any licensing or other requirements imposed by States or localities.

The Corporation, while providing a mechanism for expanding the availability of child care services, would not provide funds to subsidize child care. Those who are able to pay would be charged the full cost of services. The cost of child care needed by families on welfare would be paid by State welfare agencies.

State welfare agencies would be free to use the services of the Corporation in providing child care to welfare recipients, but would not be required to do so.

The Corporation would also have the authority to conduct programs of in-service training, either directly or by contract.

The bill requires the Corporation to submit a report to each Congress on the activities of the Corporation, including the data and information necessary to apprise the Congress of the actions taken to improve the quality of child care services and plans for future improvement.

The Corporation would be headed by a Board of Directors consisting of three members, to be appointed by the President with the consent of the Senate. The members of the Board would hold office for a term of three years.

A National Advisory Council on Child Care would be established to provide advice and recommendations to the Board on matters of general policy and with respect to improvements in the administration of the Corporation. The Council would be composed of the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Secretary of Housing and Urban Development, and 12 individuals, appointed by the Board.

3. Improvements in the work incentive program

The Work Incentive Program was created by the Congress as a part of the Social Security Amendments of 1967. It represents an attempt to cope with the problem of rapidly growing dependency on welfare by providing welfare recipients with the training and job opportunities needed to help them become financially independent.

Experience under the program has shown that a number of modifications are desirable. The committee's bill is designed to strengthen and improve the program.

On-the-job training and public service employment

A major criticism of the present Work Incentive Program has been the lack of development of on-the-job training and public service employment. On-the-job training and public service employment offer the best opportunity for employment of welfare recipients because they provide training in actual job situations. Unfortunately, less than two percent of the welfare recipients enrolled in the Work Incentive Program today are participating in on-the-job training and public service employment. The committee amendment would require that at least 40 percent of the funds spent for the Work Incentive Program be used for on-the-job training and public service employment.

The committee bill would also simplify the financing and increase the Federal share of the cost of public service employment (formerly called special work projects) by providing 100 percent Federal funding for the first year and 90 percent Federal sharing of the costs in subsequent years (if the project was in effect less than three years, Federal sharing for the first year would be cut back to 90 percent).

Tax Incentive for Hiring WIN Participants

As an incentive for employers in the private sector to hire individuals placed in employment through the Work Incentive Program, another feature of the amendment would provide a tax credit equal to 20 percent of the wages and salaries of these individuals. The credit would only apply to wages paid to these employees during their first 12 months of employment, and it would be recaptured if the employer terminated employment of an individual during the first 12 months of his employment or before the end of the following 12 months. This

recapture provision would not apply if the employee became disabled or left work voluntarily. (The tax credit is described more fully in Part H of this summary.)

Registration of Welfare Recipients and Referral for Work and Training

Under present law, all "appropriate" welfare recipients must be referred by the welfare agency to the Labor Department for participation in the Work Incentive Program. Certain categories of persons are statutorily considered inappropriate. Persons may volunteer to participate in the Work Incentive Program even if the State welfare agency finds them inappropriate for mandatory referral.

Another criticism of the program has been that the State application of those standards of "appropriateness" for the program have resulted in widely differing rates of referrals and program participation. The committee's bill would eliminate this situation with a series of amendments. First, it would require welfare recipients to register with the Labor Department as a condition of welfare eligibility unless they fit within one of the following categories:

1. Children who are under age 16 or attending school;

2. Persons who are ill, incapacitated or of advanced age;

3. Persons so remote from a WIN project that their effective participation is precluded;

4. Persons whose presence in the home is required because of illness or incapacity of another member of the household; and

5. Mothers with children of preschool age.

At least 15 percent of the registrants in each State would be required to be prepared by the welfare agency for training and referred to the Work Incentive Program each year; States failing to meet this percentage would be subject to a decrease in Federal matching funds for aid to families with dependent children. The committee bill would also establish clear statutory direction in determining which individuals would receive employment or training by generally requiring the Department of Labor and Health, Education, and Welfare to accord priority in the following order, taking into account employability potential:

1. Unemployed fathers;

2. Dependent children and relatives age 16 and over who are not in school, working or in training;

3. Mothers who volunteer for participation; and

4. All other persons.

Thus, under the amendment, mothers would not be required to participate until every person who volunteered was first placed.

Liberalized Federal Matching for Training

The committee bill increases from 80 percent to 90 percent the rate of Federal matching for WIN training expenditures. Welfare agency expenditures for social, vocational rehabilitation, and medical services which are provided to directly support an individual's participation in WIN would also be matched at the 90 percent rate. Under existing law, these services are now generally matched by the Federal Government at the 75 percent rate.

Labor Market Planning and Program Coordination

The committee bill would require the Secretary of Labor to establish local labor market advisory councils whose function would be to identify present and future local labor market needs. The findings of these councils would have to serve as the basis for local training plans under the Work Incentive Program to assure that training was related to actual labor market demands.

The committee also mandates coordination between the Departments of Labor and Health, Education, and Welfare and their counterparts at the local level. The committee bill would require a separate WIN unit in local welfare agencies and joint participation by welfare and manpower agencies in preparing employability plans for WIN participants and in program planning generally.

Earned Income Disregard

Under present law States are required, in determining need for Aid to Families with Dependent Children, to disregard the first $30 monthly earned by an adult plus one-third of additional earnings. Costs related to work (such as transportation costs) are also deducted from earnings in calculating the amount of the welfare benefit.

Two problems have been raised concerning the earned income disregard under present law. First, Federal law neither defines nor limits what may be considered a work-related expense, and this has led to great variation among States and to some cases of abuse. Second, some States have complained that the lack of an upper limit on the earned income disregard has the effect of keeping people on welfare even after they are working full-time at wages well above the poverty line.

The committee bill would deal with both of these problems by modifying the earnings disregard formula and by allowing only day care as a separate deductible work expense (with reasonable limitations on the amount allowable for day care expenses). Under the committee bill, States would be required to disregard the first $60 earned monthly by an individual working full-time ($30 in the case of an individual working part time) plus one-third of the next $300 earned plus one-fifth of amounts earned above this.

4. Family planning services

Under present law, family planning services must be offered all appropriate welfare recipients; 75 percent Federal matching is available in meeting the cost of family planning services. The committee bill would provide 100 percent Federal funding for family planning services offered recipients of Aid to Families with Dependent Children. In addition, there would be 100 percent Federal funding, at the State's option, for those who were once welfare recipients or who are likely to become welfare recipients.

5. Emergency assistance for migrant families

The bill would require the States to establish State-wide programs to provide emergency assistance to needy migrant families with children. The Federal matching rate would be 75 percent. Under present law the establishment of programs for migrant families is optional with the States, and the Federal share is 50 percent. As under the existing program, assistance could be in the form of money payments or payments in kind. Assistance would be limited to a period not to exceed 30 days in any 12-month period.

6. Obligation of a deserting father

Present law requires that the State welfare agency undertake to establish the paternity of each child receiving welfare who was born out of wedlock and to secure support for him; if the child has been deserted or abandoned by his parent, the welfare agency is required to secure support for the child from the deserting parent, utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support. The State welfare agency is further required to enter into cooperative arrangements with the courts and with law enforcement officials to carry out this program. Access is authorized to both Social Security and Internal Revenue Service records in locating deserting parents.

The committee added to these provisions an amendment which would make it a Federal misdemeanor for a father to cross State lines in order to avoid his family responsibilities.

In addition, the committee bill also provides that an individual who has deserted or abandoned his spouse, child, or children shall owe a monetary obligation to the United States equal to the Federal share of any welfare payments made to the spouse or child during the period of desertion or abandonment. In those cases where a court has issued an order for the support and maintenance of the deserted spouse or children, the obligations of the deserting parent would be limited to the amount specified by the court order. If the State has obtained a court order, the Federal Government would attempt to recover both the Federal and non-Federal share of welfare payments to the deserting father's family. If the State has not obtained a court order, the Federal Government would only attempt to recover the Federal share of the welfare payments. The deserting parent's obligation could be collected in the same manner as any other obligation against the United States.

The bill also would authorize Federal officials knowing the whereabouts of a deserting parent to furnish this information to such parent's spouse (or to the guardian of his child) in cases in which a court order for child support has been issued against him.

7. Clarification of congressional intent regarding welfare statutes

Denial of eligibility for aid to families with dependent children where there is a continuing parent-child relationship

Under present law, aid to families with dependent children is available to children who have been deprived of parental support by reason of the "continued absence from the home" of a parent. In a recently decided opinion, the Supreme Court ruled that a State could not consider a child ineligible for welfare when there was a substitute parent with no legal obligation to support the child. The Court stated: "We believe Congress intended the term 'parent' in section 406(a) of the act * * * to include only those persons with a legal duty of support."

The committee bill would clarify Congressional intent by permitting States to take into account the presence of a man in the house if there exists between the man and the dependent child a continuing parent-child relationship. For purposes of determining whether such relationship exists between a child and an adult individual, only the following factors could be taken into account:

(1) They are frequently seen together in public;

(2) The individual is the parent of a half-brother or half-sister of the child;

(3) The individual exercises parental control over the child;

(4) The individual makes substantial gifts to the child or to members of his family;

(5) The individual claims the child as a dependent for income tax purposes;

(6) The individual arranges for the care of the child when his mother is ill or absent from the home;

(7) The individual assumes responsibility for the child when there occurs in the child's life a crisis such as illness or detention by public authorities;

(8) The individual is listed as the parent or guardian of the child in school records which are designed to indicate the identity of the parents or guardians of children;

(9) The individual makes frequent visits to the place of residence of the child; and

(10) The individual gives or uses as his address the address of such place of residence in dealing with his employer, his creditors, postal authorities, other public authorities, or others with whom he may have dealings, relationships, or obligations.

A child-parent relationship could be determinated to exist only on the basis of an evaluation of these factors taken together with any evidence which may refute any inference related to these factors.

Duration of Residence Requirement

The committee bill requires States to impose a one-year duration of residence requirement in determining eligibility for welfare. However, Federal matching would not be denied solely because a State failed to meet this requirement. If a welfare recipient moved to a State with a one-year duration of residence requirement, his State of origin would be required to continue his welfare payments (as long as he remained eligible) for up to 12 months, by which time the individual could establish eligibility for welfare in his new State of residence.

Limitation on Duration of Welfare Appeals Process

Recently the Supreme Court ruled that assistance payments could not be determined before a recipient is afforded an evidentiary hearing. The committee bill would require that States reach decisions on an individual appeal within 30 days. The committee bill also requires the repayment of amounts which it is determined a recipient was not entitled to receive. Any amounts not repaid could be considered an obligation of the recipient to be withheld from any future assistance payments to which the individual may be entitled.

States Permitted to Seek to Establish Name of Putative Father

A recent court decision held that a mother's refusal to name the father of her illegitimate child could not result in denial of aid to families with dependent children (AFDC). The applicable State regulation was held to be inconsistent with the provision in Federal law that AFDC be "promptly furnished to all eligible individuals" on the grounds that the State regulation imposed an additional condition of eligibility not requred by Federal law. The Court reached this conclusion despite the explicit requirement in Federal law that States attempt to establish paternity when a child is born out of wedlock.

The committee's bill would clarify congressional intent by specifying that the requirement that welfare be furnished "promptly" may not preclude a State from seeking the aid of a mother in identifying the father of a child born out of wedlock.

Requiring Welfare Recipient to Permit Caseworker in the Home

The committee amendment permits States, if they wish, to require as a condition of welfare eligibility that recipients allow a caseworker to visit the home. Home visits would have to be made at a reasonable time and with reasonable advance notice.

8. Regulations of the Department of Health, Education, and Welfare

The committee bill would curb the regulatory authority of the Department of Health, Education, and Welfare in several particulars.

"Declaration Method" of Determining Eligibility Permitted But Not Required

The Committee bill would preclude the Secretary of Health, Education, and Welfare from requiring by regulation that States use a simplified declaration method in determining eligibility for welfare. As under present law, States would be free to use this method if they so wished, but they could not be required to do so by regulation.

Definition of Unemployment

Under present law, Aid to Families with Dependent Children may be paid to a family headed by an unemployed father, at the option of the State (23 States now offer such assistance). However, there is no Federal definition of "unemployment" in the statute. The committee approved an amendment defining a father as unemployed for welfare purposes if he has worked less than 10 hours in the last week or less than 80 hours in the last 30 days.

9. Use of Federal funds to undermine Federal programs

The committee added a section to the general provisions of the Social Security Act specifying that no Federal funds may be used to pay, directly or indirectly, the compensation of any individual who in any way participates in Federally supported legal action designed to nullify congressional statutes or policy under the Social Security Act.

10. Use of Social Security numbers

The Committee bill requires that on and after January 1, 1972, State welfare agencies use the social security numbers of each welfare recipient as an identification number in the administration of public assistance programs.

11. Testing of welfare reform alternatives

The committee bill provides for a broad program of testing of various approaches to reform of the welfare system. The Secretary of Health, Education, and Welfare would be authorized to conduct up to four tests of possible alternatives to the AFDC program. One or two of these tests would involve "family assistance" type programs, and one or two of the tests would involve "workfare" programs. In addition, the bill provides for a pilot project of a program of rehabilitation of welfare recipients to be administered by vocational rehabilitation personnel.

The "family assistance" tests would follow the traditional welfare approach of providing money payments to families with incomes below certain levels, but would extend this assistance to all families with fathers including so-called "working poor"—low-income families headed by a fully employed male—who are not eligible for AFDC. As under AFDC, a portion of earnings would be disregarded to provide work incentives, and nondisabled adults (with certain exemptions) would be required to accept employment or training.

The "workfare" tests would make a sharp distinction between welfare and "workfare." Families with preschool age children where the father is dead, absent, or disabled would be presumed unemployable and would be eligible for cash welfare payments. Other low income families would not be eligible for such payments but would be guaranteed work opportunity, with training and other preparation for employment where necessary. Participants in these "workfare" programs would have their wages supplemented if they are below the minimum wage. Allowances would also be paid to those in training. Child care and other services would be provided as necessary.

The pilot project to test the administration of welfare programs by vocational rehabilitation personnel would involve assistance payments according to regular AFDC standards. These payments would, however, be administered through the facilities and personnel of the Rehabilitation Services Administration which would also apply its rehabilitation techniques to welfare recipients in an attempt to encourage and assist adult individuals with a potential for work to prepare for and obtain employment.

The various tests would run for a minimum of two years, involve State sharing in costs at a level not in excess of State sharing in the costs of AFDC, and involve continuing consultation among the Department of Health, Education, and Welfare which would conduct the tests, the General Accounting Office, and the Congress. Each test would have to cover all eligible families within a State or a part of a State, and for the duration of the test no AFDC payments could be made to familes residing in the test area. Each "family assistance" test would have to run concurrently with a "workfare" test and the two test areas would have to be comparable with respect to various relevant factors including population, per capita income, and unemployment rate.

G. VETERANS' PENSION INCREASE

The committee bill incorporates the text of S. 3385, a bill to increase pension benefits to veterans and widows by up to 9 percent. The committee bill would also increase the income limitations, from $2,000 to $2,300 in the case of a veteran or widow alone, and from $3,200 to $3,600 in the case of a married veteran or widow with a child.

H. MISCELLANEOUS AMENDMENTS

1. Tax amendments

Denial of Tax Deduction With Respect to Certain Medical Referral Payments

Present law provides that no tax deduction is to be allowed for illegal bribes or kickbacks where, as a result of the payment, there is successful criminal prosecution. If the bribe or kickback does not constitute a criminal act (presumably even if there is a loss of license), or if the taxpayer is not successfully prosecuted, the deduction is allowable.

This provision deletes the requirement in present law of a criminal conviction in the case of bribes and kickbacks before a deduction for such a payment is denied. In lieu thereof, the provision provides that no deduction is to be allowed for a bribe or kickback which is illegal under either Federal or State law, if these laws subject the party involved to liability for criminal or civil penalties (including the loss of license). In the case of a payment which is illegal under State law, the deduction will be denied on the basis of such illegality only if the law is generally enforced. Other sections of this bill provide that medical referral fees under the medicare or medicaid programs are illegal. It is made clear that referral fees are to be treated as bribes or kickbacks for purposes of this provision.

Required Information Relating to Excess Medicare Tax Payments by Railroad Employees

Present law provides that a railroad employee whose work is covered by railroad retirement and who is also employed in other work covered by social security is entitled to receive a credit or refund of the excess medicare tax he may have paid because of this dual employment status. To enable a railroad employee to claim his excess medicare tax is a credit on his income tax return, all railroad employees are required to include on the W–2 forms given to their employees the amount of compensation covered by railroad retirement and the hospital tax deducted.

Because of the inability of most railroads to furnish the required information by January 31 (primarily because of a broader wage concept under railroad retirement) and the fact that only a relatively few employees are eligible for this refund, this provision changes the requirement that railroad employers supply separate hospital tax information on the W–2 forms for all of their employees. In lieu thereof, the provision requires that railroad employers include on, or with, the W–2 form furnished to its employees, a notice with respect to the allowance of the credit or refund of the tax on railroad-covered wages in those cases where the employee has also received other wages covered under the social security program. Upon the request of an employee, railroad employers are required to furnish to the employee a written statement showing the amount of the railroad tax coverage, the total amount deducted as tax, and the portion of the total amount which is for the financing of the cost of hospitalization insurance under the medicare program.

Reporting of Medical Payments

Present law provides that a person who makes specified kinds of payments in the course of a trade or business to another person, amounting to $600 or more in a calendar year, must file an information return showing the amount paid and the name, address, and identifying number of the recipient. Although, under this general requirement, persons engaged in a trade or business are required to report direct payments to providers of health care services (often described as "assigned" payments), there is no authority under present law to require the reporting of payments made to patients themselves ("unassigned" payments), even though in the normal circumstances, they are paid over to providers of health care services, or represent reimbursement of earlier payments.

The bill provides specifically, in addition to the general requirement of present law, that all payments in the course of a trade or business made to providers of health care services in the case of direct or "assigned" payments must be reported. Further, in the case of "unassigned" or indirect payments, reporting will be required in those cases where the Federal Government administers the health program or funds the program to a substantial extent. The reporting requirement specifically includes professional service corporations, proprietary hospitals, and other payees who may act as conduits for providers of health care services.

The provision also requires the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to study the extent to which "unassigned" and "assigned" claims are used to obtain payments from insurance organizations and to report each year to the Senate Committee on Finance and the House Committee on Ways and Means any significant shift from the use of "assigned" claims to "unassigned" claims. In addition, the provision requires that the Secretary of Health, Education, and Welfare keep records showing the identity of each provider of medical or health care items or services under the medicare or medicaid programs, the types of items or services provided and the aggregate amounts paid to the providers under each program. Health care providers are required to be identified by their taxpayer identifying numbers. The Secretary of Health, Education, and Welfare must submit to the Senate Committee on Finance and the House Committee on Ways and Means annually a report identifying each person who is paid a total of $25,000 or more during the preceding year under the medicare and medicaid programs.

These reports are due to be submitted for the calendar year, beginning with 1970, not later than June 30 of the following calendar year.

Tax Credit for Portion of Salary Paid Participants in Work Incentive Programs

Under present law there are no special tax provisions relating to the costs of employee training programs. These costs are treated as any other business expense and may be deducted if they are ordinary and necessary in carrying on the taxpayer's trade or business.

This provision provides a special tax incentive for employers who hire individuals under a work incentive program (WIN) established under section 432(b)(1) of the Social Security Act. The taxpayer would be allowed, as a credit against his income tax liability, and in addition to his regular business deduction, an amount equal to 20% of the wages and salaries paid to the employee during the first 12 months of his employment. Any unused tax credits could be carried back to the three preceding taxable years (but only to a taxable year beginning after December 31, 1968) and then could be carried forward to the next seven succeeding taxable years.

However, if the taxpayer terminated the employment of the individual at any time during the first 12 months of employment, or at any time during the next 12 months, any tax credit allowed under this provision would be recaptured. The credit would be recaptured by increasing the taxpayer's tax liability, in the year of termination, by an amount equal to previous tax credits allowed with respect to the employee. The recapture provision would not apply if the employee voluntarily left the employment of the taxpayer, or if the employee became disabled. Further, a credit would not be allowed for any expenses of training outside the United States or if the employee is closely related to the taxpayer.

Retirement Income Credit

Present law provides a retirement income credit of 15 percent of eligible retirement income up to a maximum of $1,524 for a single person and $2,286 for married couples where each is fully eligible in his or her own right. The credit is designed to provide comparable tax treatment to those who receive tax-exempt social security benefits and those who receive taxable pensions. Consequently, the maximum base for the credit is reduced by social security benefits received and by earnings in excess of $1,200—a reduction of 50 cents for each dollar of earnings between $1,200 and $1,700 and dollar for dollar for earnings in excess of $1,700.

Because of increases in social security benefits since the present maximum base for the credit was established, this provision increases the base for the credit to more closely approximate the current levels of social security benefits. It increases the $1,524 to $1,872 and the $2,286 to $2,808. In addition, the amount that can be earned without reducing the base for the credit is raised from $1,200 to $1,680 and the range within which the base is reduced 50 cents for each dollar of earnings is raised to $1,680 to $2,880.

2. Other Amendments

The commitee also added provisions relating to the authorization of the managing trustee of the social security trust funds to accept gifts made unconditionally to the Social Security Administration, authorizing loans for the installation of sprinkler systems necessary for facilities to meet medicare standards, increasing the grade level of the Commissioner of Social Security, requiring the consent of the Senate to future appointments to the position of Administrator of Social and Rehabilitation Services, and extension of the provision for disregarding certain social security benefit increases under welfare programs.

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

Mr. LONG. Mr. President, I will yield for a question.

Mr. HARRIS. Mr. President, will the Senator from Louisiana state what he understands the procedure to be on the consideration of the bill? Will it come up in the period from 9 to 3 or in the period from 3 to 9, or does the Senator know? Perhaps we could ask for the attention of the majority leader.

Mr. MANSFIELD. Yes.

Mr. HARRIS. I have asked the manager of the bill whether the consideration of this bill would come from 9 to 3 each day or from 3 to 9, or do we know?

Mr. MANSFIELD. It will be in the second shift each day. The pending business from 9 to approximately 3 will be the conference report on the Department of Transportation appropriations bill.

Mr. HARRIS. Will the Senator yield further?

Mr. LONG. I yield for a question.

Mr. HARRIS. Mr. President, does the Senator intend to ask unanimous consent that the committee bill as reported be considered as original text for the purpose of amendment to the second degree thereafter?

Mr. LONG. I would like to do so, because I know that it would expedite the consideration of the bill. I am led to believe, however, that such a request will be objected to. However, I intend to do it, and just for the purpose of discussion, Mr. President, I ask unanimous consent that the committee amendments be regarded as original text for the purpose of considering further amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I have told the Senator from Louisiana that I thought we could get such a request with the exception of three or four major items of the bill which I think deserve a rollcall vote or special attention. As soon as we can get those marked in the bill, we will be able to reach them.

For example, there is a committee amendment that deals with changing the social security benefits from the 5 percent provided in the House bill to the 10 percent which was approved by the Senate Committee.

Another committee amendment changes the minimum of $100 a month limitation.

Then there is the question of whether we do or do not approve an escalating cost-of-living provisions.

Then there is the question of catastrophic health insurance amendment.

I cite those four examples. I am sure that some Senator will want to vote on the Trade Act as well.

I am saying there are four or five of those items, and with the exception of those items which will require rollcall votes we will be able to reach a unanimous-consent agreement.

I have asked the staff to mark up a bill for me with respect to those particular amendments and how much would be included in them so that at the appropriate time we can agree to the consideration of all committee amendments except those. If the Senator wishes to make that request I think I could have that information tomorrow so we could agree. I believe there are about 100 items, and many of them do not amount to much; they are technical amendments. I would say that except for the four or five votes we could get down to business.

Mr. LONG. Mr. President, I am glad the Senator has raised the question. I would be inclined to agree to that type procedure if it could be agreed upon. I am sure everyone realizes if we can agree to accept the commitee amendments en block, reserving the right of any Senator to amend in both the first degree and second degree, which is the same as agreeing that the bill simply be regarded—all of it—as being original text, it really preserves to every Senator the right to offer as many amendments as he wants to offer and that is the procedure that is usually adopted. It will help to expedite consideration of the bill.

No one forfeits any right under that arrangement and when that agreement is made it offers to the sponsors of the bill the availability of a motion to table in order to get on with the business, so it

confers an advantage on Senators, which everyone should recognize, when that arrangement is agreed to, because if someone is against the bill or if someone is adamantly opposed to its passage, if a particular part of the bill is agreed to then, of course, he would have the right to insist that every amendment be the subject of debate, explanation, and a roll-call vote and insist on the presence of a quorum during all the consideration. While it is not unusual, I believe it would very much expedite procedure on the bill.

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

Mr. WILLIAMS of Delaware. Mr. President, before the Senator yields, will he yield to me for just a moment?

Mr. LONG. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I agree fully with the chairman. I have discussed the matter with him earlier and said I thought we could get this consent agreement. For example, the first committee amendment merely changes the title and renumbers. That amendment is just a routine amendment. The next amendment is a question of whether we raise social security benefits by 5 percent, or to $100. I would suggest we could agree on the first committee amendment, and the next committee amendment could go over until tomorrow. We would know what the next amendment would be and we could have a vote tomorrow.

Mr. President, I ask unanimous consent that the first committee amendment be agreed to.

The PRESIDING OFFICER. There is a unanimous-consent request pending.

Mr. HARRIS. That was withdrawn.

Mr. WILLIAMS of Delaware. That has been withdrawn.

Mr. President, I ask unanimous consent that the first committee amendment be agreed to. It amends the titles.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and the first committee amendment is agreed to.

The first committee amendment was agreed to, as follows:

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Mr. WILLIAMS of Delaware. Mr. President, the next committee amendment deals with social security increases. There will be no vote on that tonight. Tomorrow there will be a vote on social security.

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

Mr. LONG. I yield for a question.

Mr. HARRIS. Mr. President, I thank the Senator for yielding. I would like to have the attention of the Senator from Delaware, as well. I understand the position of the Senator from Delaware. I commend him for his willingness to agree

later on to portions of the committee bill being amendable in the second degree. There will be objection to title III, the trade portion of the bill.

Mr. WILLIAMS of Delaware. That is correct.

Mr. HARRIS. My intention is that we should try to get a vote this week on the welfare reform bill, the amendment to be offered by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT), in amendable form, so that I can before its final consideration offer amendments to it, and that we also get down to the social security bill this week.

Would the Senator have any objection at the appropriate time to the welfare section of the committee bill being considered as original text? I understand he would not object to that.

Mr. WILLIAMS of Delaware. When we get to the welfare section?

Mr. HARRIS. Yes.

Mr. WILLIAMS of Delaware. As far as I am concerned I do not think there would be objection. I know what the Senator from Oklahoma has in mind, so when it is offered it would be subject to an amendment, and I think it should be.

Mr. HARRIS. The Senator is correct, that is, so that the Ribicoff-Bennett amendment will be subject to amendment.

Mr. WILLIAMS of Delaware. I am in agreement with what the Senator seeks to achieve. I do not think there would be objection. I think that is the appropriate way to proceed.

The only exception I was making is that, for example, the trade section would have to be voted on, catastrophic insurance is a section unto itself, and social security insurance would have a vote. I would say there would be a half dozen votes and we would be pretty much down to the serious arguments.

Mr. LONG. If there is no objection to that part of it, I believe in moving ahead any way we can, provided it does not prejudice the rights of anyone. I would not want to prejudice anyone's rights. I do not see how it would prejudice anyone's right if we agreed now on the welfare portion being original text.

Mr. WILLIAMS of Delaware. If the Senator will withhold that until tomorrow I think we could work out something that is agreeable, something that would be acceptable. As the Senator knows, they want a vote on the trade section. I can understand their position on that. I have mentioned catastrophic insurance. In a couple of hours we could call the roll on that and perhaps vote tomorrow on that particular point.

I would like to see us proceed and get this out in a proper manner. I would like to complete this matter up or down, one way or another, between now and the end of the year.

Mr. HARRIS. Mr. President, will the Senator yield so that I may place a statement in the RECORD?

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the Senator from Oklahoma for the purpose of placing a statement in the RECORD.

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

Mr. HARRIS. Mr. President, I appreciate the answers of the Senator from Louisiana and the Senator from Delaware. I hope that we will be able to act on this bill, with the exception of title III, dealing with trade, so that we can get a vote on social security and welfare reform, this week.

I am very hopeful the Senate will act promptly to enact much needed increases and improvements in the social security, medicare, and medicaid programs, and real welfare reform. I have worked toward that end in the Committee on Finance.

Mr. President, I have set forth my position concerning H.R. 17550 in separate views printed in the committee report, and I ask unanimous consent to have my views printed at this point in the RECORD.

There being no objection, the separate views of Mr. HARRIS were ordered to be printed in the RECORD, as follows:

SEPARATE VIEWS OF MR. HARRIS

INTRODUCTION

The initial objectives of H.R. 17550 were to provide more adequate social security benefits and to make needed improvements in medicare, medicaid and maternal and child health programs.

The objective of H.R. 16311 was to effect urgently needed reform of a failing welfare system.

These objectives are highly laudable. However, by the addition of unrelated matters, unwise amendments and weak substitutions for some provisions, these original objectives have been made hostage to other, less noble, aims.

The Trade Act of 1970 was added as an amendment to H.R. 17550.

Various amendments to the present welfare laws were agreed to which can only be characterized as regressive and punitive.

An amendment to establish a Federal Child Care Corporation, which would represent a substantial and objectionable change in child care programs, was adopted.

I, therefore, voted against reporting the bill. My reasons for doing so are here set forth in detail.

SOCIAL SECURITY

A. Increase in benefits and minimums

The committee made several greatly needed improvements in the social security provisions of H.R. 17550.

The 5 percent increase in benefits, adopted by the House, was stepped up to a 10 percent increase. The committee also rightly voted to provide a $100 minimum social security benefit level.

With these increases, H.R. 17550 became an acceptable advance this year toward fairness in our social security program.

B. Workmen's compensation offset

The committee made certain other changes in the House bill provisions regarding social security which were undesirable.

The provision in the House bill, amending present law which requires social security disability benefits to be reduced when workmen's compensation is also payable and when the combined payments exceed 80 percent of average current earnings before disablement, was stricken.

The House bill called for a reduction in benefits by the amount by which the combined payments under both programs exceed 100 percent of average current earnings before disability. This provision should be restored.

C. Financing

When the committee finished its work, it had voted approximately $10 billion in additional benefits. It then turned to financing.

I believe the committee was mistaken in not properly taking into account the presently regressive nature of the social security tax system and in not fully considering the economic impact of the financing arrangements which it approved.

The social security tax system is not as nearly based upon ability to pay as is the Federal income tax. There is an upward limit—presently $7,800, and $9,000 under the committee bill—on the amount of salary which is taxed. The tax is in a flat rate basis; it is not graduated.

I believe that the payroll tax under social security has reached the saturation point. I, therefore, supported an effort to finance a portion of benefits from general revenue. This effort failed.

Alternatively, I offered a financing plan which would make the social security tax system more progressive by raising the wage base to $12,000 in 1971. This allows actuarial soundness with less of an increase in the tax rate over a period of years. The following table shows the financing plan which I offered and which was rejected by the committee. As indicated, in addition to providing actuarial soundness over the long term in each of the funds involved—OASDI, health insurance and the new catastrophic health insurance—the plan which I offered would avoid a cash deficit in any year in any of the funds.

[In percent]

	OASDI	HI	CI	Total
1971	4.1	0.7	.....	4.8
1972–74	4.1	.8	0.3	5.2
1975–79	5.0	.9	.35	6.25
1980–84	5.5	1.0	.35	6.85
1985 plus	5.85	1.0	.4	7.25
	−.15	−.06	+.02	.....

Note: The excesses of income over outgo resulting from this schedule follow:

[In millions of dollars]

	OASDI	HI	CI
Fiscal year 1972	1,079	1,044	589
Calendar year 1971	97	560	.....
Calendar year 1972	1,519	1,303	565
Calendar year 1973	2,843	851	403

The financing plan which I offered would also provide an additional and very important economic impact. It would postpone an increase in the tax rate from 4.8 to 5.2, which is otherwise scheduled to go into effect in January 1971 under present law. Unless this rate increase is postponed, it will have a seriously dampening effect on consumer demand at a time when the economy is much too sluggish and unemployment intolerably high. Stimulation of consumer demand through postponement of the presently scheduled tax rate increase and through increased benefits would not be inflationary by serving to cause expanded production volume, allowing some reduction in unit costs.

The revised manner in which Federal budgets are now made up and presented, taking into account income and expenditures from social security and other trust funds, more clearly points up the fiscal impact of decisions concerning social security benefits and rates.

In addition to the right of social security beneficiaries to more adequate benefits, the payment of increased benefits will provide a much-needed increase in consumer demand, aiding economic recovery. This fiscal impact should not be offset by immediate rate increases, primarily the way in which the automatic adjustment of the benefits vent an annual deficit in the various funds or to provide general actuarial soundness.

D. Cost-of-living increase

The committee worked long and hard on the problem of how to insure that the pur-

chasing power of social security benefits is maintained. On the whole the committee acted wisely in this regard; however, I disagree with some aspects of the automatic adjustment provisions—primarily the way in which the automatic adjustments of the benefits is financed.

The committee made some major changes in the automatic adjustment provisions that were proposed by the administration and passed by the House of Representatives. Many of the changes are reasonable, but some aspects of the provisions agreed to by the committee should be changed if they are to be fully acceptable and are to operate smoothly.

There are two major difficulties with the committee provisions concerning automatic adjustment of social security benefits and automatic financing.

First, the committee bill would require the Secretary of Health, Education, and Welfare to promulgate increases in both social security tax rates and the earnings base in order to finance the automatic increases in benefits, even though such increases in social security taxes would be unnecessary and would greatly over-finance the program. Under the committee bill, whenever an automatic cost-of-living increase in benefit occurs, the Secretary would be required to increase social security taxes. Such increases in taxes would not be necessary because a large part of the cost of the automatic benefit increase would be met from rising earnings levels without increasing either the tax rate or the earnings base.

Second, the provision for automatic increases in the earnings base as wages rise, proposed by the administration and passed by the House, does not constitute a discretionary delegation to the executive branch. The increases would be automatic and the determination of the amount would be routine on the basis of social security wage record statistics.

Under the committee revision, on the other hand, it would be necessary for the Secretary of Health, Education, and Welfare, as a part of the automatic provisions, to determine both the short-range and long-range "cost" of each automatic benefit increase, and we would in effect be turning over to the Secretary of Health, Education, and Welfare the tax-setting function of the Congress.

The provision approved by the House would merely carry out automatically the policy which the Congress has been following on an *ad hoc* basis since 1950—that is, periodically increasing the social security earnings base so as to cover the same proportion of payroll as had been covered earlier, when wage levels were lower. As wages have risen, the $3,600 base that became effective in 1951 has been changed by the Congress, in steps, to $7,800—as it would have been under the automatic provisions. It is important to increase the base to keep up to date with rising wages, not only from the standpoint of the income of the program but to prevent a deterioration in the coverage of the program. For example, a job which paid $3,600 in 1950 pays around $9,000 today. If the base had not been increased over the years the benefits payable to a man in such a job would provide a much smaller proportion of wage replacement than they were originally intended to, and there would have been a major deterioration in the protection afforded by the program. If the base is kept up to date with rising wage levels, there will be little if any need for an increase in the tax rate to cover the cost of the automatic cost-of-living increase.

The House provisions in this regard are, therefore, preferable to the provisions adopted by the Senate, and they should be restored.

The House bill requires the Secretary of Health, Education, and Welfare to increase social security benefits any January, commencing January 1973, if he finds that the cost of living has increased by 3 percent or more between the last July-to-September calendar quarter preceding a secretarially determined benefit increase and the most recent July-to-September quarter. The automatic increases would be in addition to any increases which might be passed by Congress. The taxable wage base would increase automatically every 2 years based on increases in the average taxable wages after 1971.

MEDICARE AND MEDICAID

A. Health maintenance organizations

Medical costs have risen enormously. There are many causes for this. One cause is the greatly increased demand for medical services without a concurrently increased supply in personnel and facilities.

It is imperative that there be a massive increase in medical and paramedical personnel and in medical facilities. The shortages are already acute, and they are growing alarmingly.

It is also vital that there be much better use of existing personnel and facilities. Toward that end, the committee approved the health maintenance organization concept contained in H.R. 17550. Under this provision, medical payments can be made to physicians on a per capita basis, rather than on a fee-for-service basis only.

This provision is an important step forward toward encouraging prepayment for group medical practice and toward greater emphasis on preventative medicine.

B. Professional standards review organization

The committee adopted a proposal to establish professional standards review organizations at local and State levels throughout the country to review such functions as examination of patient and practitioner profiles; independent medical audits; on-site audits; and the development and application of norms of care and treatment.

The Secretary of Health, Education, and Welfare would be required to enter into agreements with qualified professional standards review organizations, principally local medical societies, to review the totality of care rendered or ordered by physicians for medicare and medicaid patients. Where medical societies are unable or unwilling to undertake the responsibility, the Secretary could contract with States or local health departments or other suitable organizations.

This provision has a laudable purpose: to insure quality care and to hold down unnecessary costs.

However, the proposal contains many unknown and unpredictable factors. Further, there are serious objections that it grants organized medicine too much control over utilization of facilities.

The proposal should be tested before Congress puts it into effect on a total basis as the committee bill would do. I am not satisfied that this proposal will result in the savings which have been claimed by its proponents, nor am I satisfied that the review procedure is the best and most workable which can be devised.

The House provisions on peer review should be strengthened, and the Senate committee provisions should be stricken.

C. State maintenance of effort

Under present law States are required to maintain their present financial efforts in support of medicaid and are required to build toward comprehensive medicaid programs by 1977.

The State of Missouri asked the committee to pass legislation giving it a special one-time exemption from the maintenance of effort requirement. The committee could have granted this special request, based upon unique circumstances, without upsetting the present law.

But the committee went far beyond the Missouri request and repealed the entire section 1902(d) of the present law, under which States are required to maintain their financial efforts under medicaid. The House of Representatives had previously stricken section 1903(e) which requires States to enact comprehensive medicaid programs by 1977.

The repeal of both these sections is most unfortunate. The poor people covered by medicaid are entitled to better medical attention and care—not less. Their needs should not be ignored in order to slow the rising costs of this program and medical care generally. Section 1902(d) and section 1903(e) should be restored in the bill.

D. Physical therapy

The House bill provides for reimbursement of up to $100 of the cost of physical therapy on an outpatient basis in the office of an independent practitioner under part B of medicare. This provision was rejected by the Senate committee.

A great many beneficiaries need the services of a physical therapist, and these services can often best be performed in the office of the therapist. The limited reimbursement that the House approved, which in effect puts it on a trial basis, should be reinstated in the bill.

E. Blood replacement

The committee rejected a proposal to eliminate the requirement in the present law for a medicare patient to pay for or replace the first three pints of blood used by such patient. This requirement seems unreasonable. It places an undue burden on medicare patients, and it should be eliminated.

F. Medicare premium increases

The premium for part B, supplementary medical insurance, under medicare has increased by more than 80 percent in the last 4 years. Originally the premium was $3 a month per person. It was increased from $4 to $5.30 on July 1, 1970. For those living on social security, this increase is almost prohibitive and it should be eliminated if the aim of the medicare is to be realized.

WELFARE REFORM

A. Need for reform

During the past few years, the need for reform of our welfare system has assumed crisis proportions. Three parallel developments have dramatized the urgency; sharply increasing welfare rolls, growing recognition of the inefficiency and failures of the system itself, and ever more crippling fiscal burdens on States and localities.

Neither the poor—a group that is widening every day in the current economic climate—the Nation's stability, nor any pretense to sound social policy can wait longer for a rational income maintenance system.

This case has been made so often and so convincingly by mayors, Governors, welfare administrators, recipients, social scientists, and political figures of every persuasion that there is no need for it being made again.

Toward this end, I introduced with seven other Senators the National Basic Income and Incentive Act, S. 3433. This bill calls for the federalization of the presently outdated, unworking, and inhumane welfare system, replacing it with a Federal income maintenance system. It represents a significant departure from our present thinking about welfare and represents true reform.

I had hoped that improvements in H.R. 16311 could be made that would move the family assistance plan closer to the concepts of the National Basic Income and Incentive Act and real reform. Unfortunately, the committee moved in the opposite direction and was willing to approve only a test of various pilot reform programs.

Passage of a test proposal alone will surely delay congressional consideration of real re-

form for at least 3 years. I do not believe that the Nation can wait.

There is good reason to predict that the number of families and individuals requiring financial aid will continue to increase, that State and local funds crucially needed for programs to reduce dependency will be drained by the demands of public assistance, that the inequities of the present system will continue to demean recipients so as to destroy their incentive, and that the entire Nation will suffer from a welfare system that must be revised.

B. Requirements for real reform

Perhaps if the administration had been willing to make progressive changes in the House-passed version of the family assistance plan, rather than regressive changes during the consideration of the bill by the committee, something more substantial than a test would have been reported by the committee. Elimination of mandatory coverage of families headed by an unemployed father (AFDC–UP) and elimination of the requirement that States maintain current benefit levels for families with income, provisions that were in the President's original welfare reform proposal, weakened support for the bill in the committee by those of us who were advocating more meaningful reform of our welfare system.

A failure to recognize the importance of requiring the minimum or prevailing wage, whichever is higher, also weakened support for the bill.

While I do not believe that the administration has gone as far as it should, I am pleased that it has now agreed to some of the changes in the family assistance plan which Senator McCarthy, Senator Ribicoff and I and others advocated. The changes the administration has now approved are embodied in the amendments offered by Senator Ribicoff and Senator Bennett.

I believe that additional improvements can and should be made.

Recognizing that Congress is not willing to completely federalize the welfare system at this time, a goal should nevertheless be established for moving within a time certain toward a welfare system that is federally financed and administered. Included within the goal should be a commitment to move the level of payment to an adequate income. Our goal is to assist people in getting out of poverty, but a floor at a low level, instead of raising families out of poverty, means only continued poverty with little prospects for breaking out.

Any system of reform should also require that the prevailing or minimum wage, whichever is higher, should be paid for those who are forced to take a job. Otherwise, a captive work force with insufficient standard of wage to be paid will be available to employers, and the effect will be to keep wages so low that millions will remain in poverty though working full time.

Any version of the family assistance plan that is adopted by the Senate should not require mothers with school-age children to work. Mothers should have some control over whether day care centers are good enough for their children.

Furthermore, a provision to provide for cost-of-living increases in payments to recipients should be adopted. We have recognized this principle with regard to those who are receiving social security payments, and the same arguments can be made in support of providing cost-of-living increases for those on public assistance.

Any system of welfare reform should also fully protect the rights of present recipients and of applicants to insure that the new law does not create different classes of citizens.

A national system of income maintenance, recognizing the needs of the working poor, setting uniform national minimums of assistance and removing present barriers to incentive and initiative is desperately needed.

These principles can and must be embodied in real welfare reform, together with programs which assure that, through expanded public service jobs and otherwise, people have a real chance to get a job.

C. Regressive amendments

Unfortunately, the committee adopted a number of amendments to our present system that are regressive.

The most disappointing action of the committee was the barring of legal service lawyers from representing welfare recipients. Much of the work of these lawyers in the past few years has been to secure benefits guaranteed by law, but not received by poor people due to illegal regulations and administrative practice.

During the past 3 years welfare recipients and lawyers associated with federally funded legal service programs have compiled a remarkable record of service to poor people. Significant court decisions have begun to nudge the welfare system toward a more equitable and enlightened program. Cruel and demeaning regulations, irrelevant to the purposes of the Social Security Act, have been overturned in the courts.

The Finance Committee has proposed that this record of progress be nullified. This restrictive amendment, adopted by the committee, should be defeated.

Other undesirable amendments were adopted by the committee.

The committee would make the leaving of a family and moving across State lines a Federal misdemeanor. This is an unwarranted extension of Federal police power into intimate aspects of family life and, in view of the State laws now regulating this subject, would prove to be unworkable.

The action taken by the committee in instituting a 1-year residency requirement for people in need of assistance was likewise regrettable. The committee provision is in conflict with the Supreme Court's opinion in *Shapiro* v. *Thompson*, 394 U.S. 618, in which it was held that citizens have a constitutional right to travel throughout the States and that welfare eligibility regulations should not impede that right. The committee position would restrict the right to travel precisely in the manner prohibited by the Court.

The committee was also mistaken, in my opinion, in resurrecting the onerous man-in-the-house rule. This rule, knocked down by court decision, would base eligibility not on actual resources but on imagined income from people not legally obligated to support the children involved.

Provisions were also adopted that require the return of amounts paid to welfare recipients who do not prevail at hearings; that eliminate progress made in the declaration system; that cut back on the Federal assistance now available to families with a father in the home; and that provide eligibility requirements wholly unrelated to the need of poor children.

Adoption of these provisions represents a step backward in our efforts to devise a more workable and humane system of welfare—an entrenchment of old myths about welfare and welfare recipients that should have been cast aside years ago.

D. Aid to aged, blind, and disabled

The committee made substantial changes in the House bill with regard to benefits for the aged, blind and disabled. The House bill provided for a minimum of $110 a month for single individuals and $220 for couples. The committee approved $130 for single individuals and $200 for couples, cashing out food stamps.

Taking into consideration the fact that an increase in social security benefits reduces Federal, and State expenditures for the aged, blind and disabled—and considering their great and growing needs—the Senate should provide for a minimum of at least $130 for single individuals and $230 for couples, not cashing out food stamps for these individuals.

E. Catastrophic health insurance plan

A critical problem has arisen because of the rapidly increasing costs of medical care that have left 90 percent of all Americans medically indigent. No one questions the need to provide a better means for the average American citizen to finance his health care.

While I agree with the objective of the catastrophic health insurance plan, I voted against attaching the plan to H.R. 17550. When the plan was presented to the committee for consideration, H.R. 17550 was already heavily loaded with extra, and in some instances nongermane amendments, and it did not seem appropriate to add to the bill such a massive new health program.

The problem which the catastrophic health insurance plan seeks to meet is pressing and must be solved. But it does seem that the problem could be more appropriately solved in a broader context of national health insurance and by considering the whole matter in a more deliberate and careful fashion.

There is little chance that any such new program as this can be adopted this late in the postelection session in any event, and the attachment of the measure to the already overburdened social security bill may tend to defeat the bill to which it is attached.

The chairman is to be congratulated for offering a solution to the crisis and for urging prompt action. With his interest and his strong desire to see legislation enacted, the committee should give this matter prompt attention at the beginning of the next session. At that time there will be full opportunity to give attention to the financing of catastrophic illness costs and to the financing of all health care, including the need for an urgent and massive increase in medical and paramedical personnel and facilities.

F. Federal child care corporation

There is a great shortage of quality child care facilities and services. We need to do more to promote the development of increased facilities and services. But the establishment of a Federal Corporation is not the way to achieve the needed results.

The Corporation under the committee bill would have the responsibility for arranging for child care services in the various communities of each State. Existing public, private nonprofit, and proprietary facilities would be contracted with by the Corporation to serve as child care providers. Pursuant to the terms of the provision adopted by the committee, the Corporation could provide child care services in its own facilities.

A fee would be charged by the Corporation for its services, to be paid either by the consumer of services or by a public agency.

I have grave concern about this approach to quality child care. Child care is a proper subject for local community concern and planning. The Federal Child Care Corporation approaches child care needs from the top.

Parental involvement is crucial in early childhood programs. If the parent is actively involved, there will be a positive overlap in the home and the community. I feel that this would be unlikely under the operation of the Federal Child Care Corporation.

I question whether the standards set out in the bill are high enough. These standards, coupled with the striking down of local and State regulations, could lead to purely custodial child care.

I am also concerned that with a growing number of commercial franchisers entering the day care field, a great tendency would exist for the Federal Child Care Corporation

to contract with these franchise operations. If so, this could lead to a depersonalization of child care services and eliminate or reduce community control and parental involvement—the hallmarks of good child care.

Child care has not received proper attention from the Congress. It should be a matter of top priority for the next session of the Congress. We must soon enact major legislation which will provide quality child care on a universal basis, not stigmatized by welfare alone, not controlled by private business, but controlled by the local community and with full involvement of the parents.

The provision in the present bill does not meet these crucial tests.

TRADE ACT OF 1970

I strongly opposed the attachment of the Trade Act of 1970, H.R. 18970, to the social security amendments. Not only did I object to the Trade Act on its merits, but I also thought it unfortunate to reduce the chances of passing much-needed welfare reform and increases in social security by attaching nongermane legislation.

I have general objections to the overall thrust of the Trade Act, as well as specific objections to its provisions. First, I will set forth my general reservations about the act.

A. Balance of trade

It is presently estimated that in 1970 we will have a healthy surplus of over $3 billion in our trade balance. Last year, the surplus was under $1 billion. In other words, this year our exports have been growing considerably more rapidly than imports.

The argument that U.S. industry is becoming increasingly noncompetitive, which is often made in support of the Trade Act of 1970, is invalidated by these figures. This would therefore seem to be an especially poor time to risk loss of export markets by curtailing imports.

Another effect of quotas which would be imposed under this bill would be the retardation of economic growth in developing nations. This is at odds with our larger foreign policy to encourage the strength and growth of these less developed countries.

B. Cost to consumers

Recently, Federal Reserve Board Governor, Andrew Brimmer, said that the textile and shoe quotas in this bill would cost the consumer an extra $3.7 billion, and that these costs would be borne disproportionately by the poor beacuse they must spend a larger share of their income on shoes and clothing than do more affluent citizens. Whatever the merits of the industries' case—and I want to return to this—it would seem that the consumer would have to pay a very heavy price indeed for these quotas.

These costs could multiply if other consumer items were subjected to quotas under the liberalized escape clause.

C. Impact of inflation

Much attention has rightly been focused on the economy in recent weeks. The inflation alert, the President's speech to the NAM—all focus on the real danger of inflation. Mr. Arthur Burns, in speaking on measures to combat inflation last week, suggested the relaxation of existing quotas on imports. This comes at a time when new inflationary quotas would be imposed by the trade bill. We obviously cannot have it both ways. We must draw the line and choose between control of inflation and protectionism.

Another voice raised in opposition to the import restrictions of the bill is that of the Chamber of Commerce of the United States. The Chamber has urged that a more constructive course on trade legislation be charted in the next session of Congress.

D. Danger of retaliation

I have also noted in the press an increasing number of statements made by officials of foreign governments, including some of our best customers—Canada, Germany, Latin America, Britain, and Mexico, to name a few—concerning the possible adverse consequences of the enactment of the trade bill. One can, of course, dismiss these statements as bluffing, on the assumption that other countries either could not or would not dare to curtail our exports. But is this assumption necessarily correct? In many instances, other countries would be able to obtain the same goods of comparable quality from alternative sources. Moreover, other countries watch their trade balance with the United States very carefully and would be very prone to reduce their purchases from us if we were to restrict their exports to this country. Finally, I think the element of national pride would be at work here. If they feel—as they seem to—that the textile and shoe quotas, for example, are unjustified, then they will naturally want to strike back. The risk of an old-fashioned trade war is, in my judgment, severe. If that happens, no State will be immune from its effects. In testimony before the Finance Committee, the National Chamber attributed 4 million American jobs to total United States exports. The wheat farmers of western Oklahoma have made Oklahoma the No. 3 wheat exporting State in the Nation. A generation of eastern Oklahomans have pinned high hopes on the Arkansas River Basin project which the late Senator Kerr spent so many years helping to develop into a navigable access to world commerce. All of these stand in real jeopardy in the face of restrictive trade policies.

E. Renewal of textile negotiations

The trade bill was approved by the House Ways and Means Committee after the Secretary of Commerce announced that the United States-Japanese textile negotiations had broken down and that the administration therefore reluctantly supported legislative quotas. In the past weeks, however, these negotiations have been resumed. There is admittedly no assurance that these negotiations will be successful either in the short or long run. But the fact of their resumption is surely significant and affords further reason for pause in considering the trade bill. The Japanese Government feels an early voluntary agreement is desirable because if there is no agreement and no legislation is passed this year, Congress may pass even more restrictive legislation next year.

F. Textile and shoe quota

To the best of my knowledge, there has been no objective determination that imports are causing or threatening serious injury to the domestic textile industry. Of course, the industry itself makes vehement allegations of jobs eliminated and production lost because of imports. But has any reasonable independent body like the United States Tariff Commission ever come to that conclusion? I would emphasize that I am not asserting that there are no parts of the textile industry that may be injured by imports. I am rather asking for evidence that there is a serious import-related problem affecting the entire industry.

In the face of such evidence, action is certainly required. Full use of present legal remedies should be made. Stronger and more agressive diplomatic initiatives by the administration could result in voluntary limitations on specified imports.

However, statistics from the American Textile Manufacturers Institute reflect that annual textile exports have expanded by $200 million over the past 12 years. More U.S. employees are engaged in making textile mill products now than in any year except 1968. The number of employees engaged in apparel manufacturing is at an all time high. Net sales, both in textiles and apparel, are the highest ever, nearly doubling 1960 figures. Taken as a whole, these facts do not support allegations of a severely depressed industry, requiring emergency legislation. In the absence of impartial evidence of harm from imports, I must question the need for, and the wisdom of, unilateral textile quotas, especially in view of their cost to the consumer and the possibility that the United States-Japanese negotiations may be successful.

As for shoes, a task force of the administration itself concluded just several months ago that there is no justification for quotas. Nevertheless, the President has asked the Tariff Commission to determine whether imports are causing or threatening serious injury to the domestic industry. This is the proper way in my judgment to develop a sound basis for informed and intelligent action concerning imports.

G. Escape clause provisions

Another provision of the trade bill that is very troublesome is the amended escape clause, which has traditionally authorized the President to impose higher tariffs or quotas on imports found to be injuring a domestic industry. The following aspects of the new escape clause are open to serious question.

First, under the trade bill the Tariff Commission would have to determine whether imports are a "substantial" cause of serious injury. Instead of "substantial," present law reads "major" and the administration's bill would have substituted "primary." These may sound like semantic quibbles, but the difference between "primary" and "substantial" could spell the difference between a reasonable and a promiscuous use of the escape clause.

Second, the bill resurrects the concept of geographic segmentation, which permits the Tariff Commission to carve up an industry and artificially select just that portion that will maximize the chance of an affirmative finding of injury. The Tariff Commission would be given the license to do so even though it made no economic sense and even though the companies and workers concerned were in fact able to make a successful adjustment to whatever import problem may have existed. One of the important features of the Trade Expansion Act of 1962 was its repeal of the geographic segmentation provision. Its resurrection is a major threat to an enlightened foreign trade policy.

H. Foreign import restrictions

The committee has gone even further than the House bill in making section 252 of the Trade Expansion Act of 1962 a protectionist device. At the present time, section 252 authorizes—but does not require—the President to impose new restrictions on imports from countries that are illegally or unreasonably restricting our exports. The key issue, of course, is who determines whether a foreign import restriction is illegal or unreasonable. The right of any member of the GATT to impose new restrictions is severely restricted by that agreement—as it should be if any order in international trade is to be preserved.

Under the committee's bill, the Secretary of Commerce would determine if a foreign import restriction is illegal or unreasonable. If he made an affirmative finding, the President would be authorized to work out a solution with the foreign country concerned. If he could not in 3 months, then he would have to take retaliatory action. This is—pure and simple—another radical violation of the GATT and another example of a blind attitude that somehow the United States can flout the rules of the game and get away with it.

I. Status of GATT

The committee struck the new separate authorization for appropriations to finance our annual contribution to the GATT. This will probably not seriously jeopardize future appropriations, since there is a general authorization available in the organic legislation of the Department of State. But it is obviously a vote of no confidence in the only international organization that offers any

hope of maintaining and strengthening a fair world trading system.

The committee struck the provision on the ground that it would give "statutory recognition of the GATT, which has never been submitted to the Congress for approval." The fact is that the GATT is a valid executive agreement, concluded pursuant to the authority of section 350 of the Tariff Act of 1930. As a statutory executive agreement, it need not, of course, be submitted to Congress for approval. This question dealt with extensively in a 1956 memorandum of the Legal Adviser of the State Department to the then chairman of the Ways and Means Committee (see H. Rept. 2007, 84th Cong., second sess., 113–131 (1956)).

J. American selling price

The committee struck the provision in the House version that would have provided for the elimination of the American selling price (ASP) system of customs valuation as it relates to benzenoid chemicals. This system has been found to be without justification by both the Johnson and Nixon administrations, and the United States is pledged to seeking its abolition in one of the agreements concluded in the Kennedy Round. If this system is not to be abolished, there is little, if any, hope of making further progress for some years to come in the field of nontariff barriers. Once again, the blind approach is at work: Let other countries remove their nontariff barriers, while we stand pat.

K. Failure to take positive action

Beyond the positive and enormous harm done by the bill, it also fails to seize critical opportunities to move ahead:

(1) *Tariff-Reducing Authority.*—The House bill by clear legislative history and the committee's bill by express statutory language would give the President new tariff reducing authority only for the purpose of granting compensatory tariff concessions when we increase import restrictions under the escape clause or by some other means. In other words, this is an authority that at best permits us to stand in the same place, but envisages no further net reduction in tariffs.

The Kennedy Round was concluded in 1967 and the last tariff reductions agreed to will take place on January 1, 1972. Isn't it time to give the President the authority to start moving again in lowering trade barriers? How can the momentum of trade liberalization be maintained if the past leader of that effort is powerless? And especially in the trade field, the absence of progress only invites retrogression.

(2) *Non-Tariff Barriers.*—Even with the provision authorizing the elimination of ASP, the House bill failed to provide for negotiations on nontariff barriers, though everyone agrees that this is the single most serious problem in the trade field. As it stands now, the President must act at his peril if he acts at all. On the one hand, he can negotiate on nontariff barriers without any prior congressional approval and simply hope that the Congress will provide the necessary implementing legislation after the fact. The handling of ASP, of course, affords little encouragement. On the other hand, the President can request specific authority before beginning any particular negotiations on non-tariff barriers. The Congress may then so circumscribe his authority as to render it valueless or give him none at all, since it has not yet seen what reciprocal advantages it might afford the United States.

The only way I can see out of this dilemma is to have the Congress give the President, perhaps in the form of a resolution, the "license" to negotiate, while reserving all of its authority to pass upon any necessary implementing legislation. This would at least give the President the encouragement he does not now have to tackle nontariff barriers and attempt to commence an international negotiation on the subject.

L. Conclusion

The total effect of the trade bill is, in my judgment, antagonistic to constructive ways of dealing with the current problems in international trade. It assumes that the United States can take unjustified and indeed illegal actions and somehow get away with them, without provoking retaliation or undermining the world trading system. This seems to me to be a hopelessly naive and false assumption. It is my opinion that if the Senate will seriously consider how harmful the present trade bill is and how great is the need for a constructive trade bill, then we may still have the time to avert the appalling consequences of a return to protectionism both in this country and throughout the world.

I re-emphasize that I am concerned about the allegations of serious injury resulting from imports being voiced by the textile and other industries. Present law provides for remedies in such cases. Full use of present provisions should be employed where need is indicated. Adjustment assistance should be used to ease the conversion of industries and jobs in cases requiring such relief. Diplomatic negotiations should be pressed. Lastly, the Congress should carefully and deliberately consider additional thoughtful trade legislation, which is in keeping with our past policies of free trade and which does not violate international agreements which we have previously made.

I attempted twice in the committee to have the trade bill stricken from the social security bill. I will renew this effort on the floor of the Senate. Should this motion fail, I intend to offer a series of amendments to improve the Trade Act.

Final conclusion

All of the legislative proposals included in H.R. 17550 are in need of thoughtful legislative consideration. My opposition to specific proposals in the bill by no means indicated a lack of concern for responsible action on the problems raised thereby. But, it is too late in this post-election Congress to hope for any fruitful action on so many diverse issues placed under the same umbrella.

Therefore it is imperative, as I have set forth in these separate views, that the Senate in the remaining days devote its time to improving our social security and related programs and to meaningful reform of our failing welfare system. The other matters can and should be set aside for consideration by the next Congress.

Mr. HARRIS. Mr. President, I ask unanimous consent that certain amendments I intend to propose to H.R. 17550 be printed and lie on the table, and that certain amendments I intend to propose to the welfare reform amendment to be offered by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT) be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. MILLER. Mr. President, I merely want to state that I fully support the proposal of the Senator from Oklahoma that we try to make the portion of this bill relating to welfare reform original text so that any amendments offered to it will be subject to amendment in the second degree. I hope that procedure can be worked out. I think most of us would like that approach rather than an approach that has no possibility of it being amended. I hope this arrangement will be worked out.

Mr. LONG. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 14 and 15 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 6, 17, and 24 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 15, 18, 29, and 48 to the bill, and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate numbered 14, 26, 31, 49, and 53 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 791) authorizing the Clerk of the House to make changes in the enrollment of H.R. 17867, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. BIBLE. Mr. President, I believe under the previous unanimous-consent agreement it was agreed that I should be recognized at the conclusion of the remarks by the Senator from Louisiana. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. With that in mind, and since I do have the floor, I shall now move that we proceed to the consideration of the conference report on the Department of Transportation bill, but first I shall suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield briefly?

Mr. BIBLE. Mr. President, I yield briefly without losing my right to the floor.

Mr. WILLIAMS of Delaware. Mr. President, I will want to make an opening statement on this bill when we resume the bill. I ask unanimous consent that I may be recognized.

The PRESIDING OFFICER. The Chair did not hear the request.

Mr. WILLIAMS of Delaware. I said I will want to be making a statement in connection with this bill, and when the Senate resumes consideration of it tomorrow, I ask unanimous consent that I be recognized.

Mr. BIBLE. On this bill?

Mr. WILLIAMS of Delaware. On the social security bill.

The PRESIDING OFFICER. Is the Senator asking for any certain time for recognition?

Mr. WILLIAMS of Delaware. No. It will not take too long, but I want to state my case.

Mr. BIBLE. That is not within the mandate covering the 9 a.m. to 3 p.m. consideration?

Mr. WILLIAMS of Delaware. It is whenever we come back to the bill, whatever time it may be. I just ask that I be recognized so that I may speak on the bill.

The PRESIDING OFFICER. Without objection, when the Senate resumes the consideration of the social security bill, the Senator from Delaware will be recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, with the understanding that I do not lose my right to the floor. I temporarily yield to the Senator from Oklahoma (Mr. HARRIS).

The PRESIDING OFFFICER. Without objection, it is so ordered, and the Senator from Oklahoma is recognized.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—ORDER FOR PLACING BILL ON CALENDAR

Mr. HARRIS. Mr. President, I ask unanimous consent that H.R. 19868, an act to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes, be read twice and placed directly to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, this has been cleared?

Mr. HARRIS. Yes.

Mr. GRIFFIN. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the bill is considered to have been read twice by title and is placed on the calendar.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS 1971—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report——

Mr. PROXMIRE. Mr. President, will the Senator yield for the purpose of my making a parliamentary inquiry?

Mr. BIBLE. Let me state this first. I am not going to preclude the very able Senator of any of his rights. I am sure he knows that as well as I do.

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes. As I previously indicated, by unanimous consent I was to be recognized at the conclusion of the remarks on the social security bill by the distinguished Senator from Louisiana.

Now I yield to the Senator from Wisconsin for the purpose of making a parliamentary inquiry.

First, I submit the conference report and move to proceed to its consideration.

The PRESIDING OFFICER. The clerk must first report the business.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes; that the Senate recede from certain amendments and the House recede from its disagreement to certain amendments of the Senate. Signed by the conferees on the part of both Houses.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the conference report.

Mr. BIBLE. Mr. President, at that point——

The PRESIDING OFFICER. The question is not debatable.

The question is on agreeing to the motion to consider the conference report. (Putting the question.)

The motion was agreed to; and the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 11, 1970, pp. 41109–41110, CONGRESSIONAL RECORD.)

Mr. PROXMIRE and Mr. BIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BIBLE. Mr. President, I would like to keep my commitment to the Senator from Wisconsin. He wanted to pose a parliamentary inquiry. I think it has been answered by the Presiding Officer, through the Parliamentarian. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator is correct. I have no parliamentary inquiry to propose. The question is not debatable.

Mr. BIBLE. The Senator wanted to inquire whether the motion to proceed is debatable. It is not debatable. It has been ruled not debatable by the Presiding Officer, and I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. 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. BIBLE. Mr. President, the pending business is the conference report on the appropriation bill for the Department of Transportation and related agencies. I have a brief statement to make in connection with that report.

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order, so Senators may hear.

Mr. BIBLE. The bill involves some $7 billion plus, $2.6 billion of it being in new budget authority, and the remainder being largely from the highway trust fund, totaling, as I say, approximately $7 billion.

The following is a brief description of the resolution of the differences between the House and Senate versions of this bill.

The appropriations for operations of the Federal Aviation Administration, where the Senate had added language providing an additional $28,000,000 for air security guards, contingent upon the enactment of additional legislation, will be resolved by the House conferees' agreement to this additional amount to be derived from the airport and airway trust fund. The House conferees will present this proposition to the House by motion outside this conference report.

The difference in the funding proposals for the Federal Highway Administration, largely relating to administration and staff expenses, were resolved by the usual compromise to "split the difference."

In the Federal Railroad Administration, the House conferees agreed to accept $18,000,000 for high-speed ground transportation research and development, for which the Senate bill had provided $21,688,000, as authorized by law.

In the provision of funds for the Civil Aeronautics Board for payments to local service air carriers, the conferees agreed upon $50,000,000 rather than the $27,300,000 proposed by the House and the $58,300,000 proposed by the Senate.

I think I should add there that this was an attempt to bring the payments to the local service carriers up to the

amounts that they are entitled to under the law at the present time.

Under the general provisions attached to the bill, the conferees agreed upon $250,000,000 as a limitation on airport commitments instead of the $220,000,000 proposed by the House and no limitation as proposed by the Senate.

The conferees agreed upon an obligation limitation of $75,000,000 for State and community highway safety. This is a split between the $70,000,000 and the $80,000,000 as respectively proposed by the House and by the Senate.

In connection with urban mass transportation program, the agreement provides for a limitation of $600,000,000 instead of the $214,000,000 as proposed by the House, and no limitation as proposed by the Senate.

And finally, with respect to the provision of funds for the supersonic transport, the conferees agreed upon $210,000,000 instead of the $289,965,000 proposed by the House and the budget estimate, and no funds as proposed by the Senate bill.

The conference agreement of $2,608,134,605 is $154,211,000 over the Senate bill, $28,554,668 over the House bill, and $133,692,832 under the budget estimates.

I think it is appropriate at this point to make clear the posture of the supersonic transport appropriation. The amount of the House figure was $289.965 million. Of that amount, there has already been expended under the continuing resolution which was passed by the Senate the sum of $105 million. So the difference actually becomes the difference between $105 million, which has already been authorized by continuing resolutions, and the sum of $290 million, rather than taking the spread between zero and $290 million.

I know that many things will be said over the next several days, and I hope that that will be the limit of the discussion about the SST. I suppose everything has been said that can be said. I was privileged, this year, to serve as chairman of these hearings, and I heard all of the evidence and all of the testimony. I was reasonably new in this area, not having participated in earlier hearings on the SST and other transportation items, or earlier than that, when they were included in the independent offices appropriations bill, but I became convinced, the more that I studied the problem and the more that I listened to the pros and cons, that it would be folly to abandon this program at this time.

I think it is appropriate to know that this program is roughly a 12-year program, that nine and a half years of that program have been completed. At the present time, it employs in the neighborhood of 14,000 to 15,000 people. The total investment in the program to date is some $813 million on the part of the Federal Government. The contractors' share to date is $159 million. The advance royalties are $22.4 million. The airlines' contribution is $59.3 million. That is a total of a little more than $1 billion in a program that is estimated to cost the Federal Government—the Federal Government's share—in the range of $1.3 billion. We are approximately eight-thirteenths along the way toward the completion of this program.

I know that much has been said about the SST; it has been said and resaid. But it seems to me that to stop this program at this juncture would be wrong and would be folly.

The environmental argument which has been made against the program by those who in good faith feel that it would have some adverse effects on the atmosphere and on the people is a concern, in my judgment, which cannot be resolved finally until the two prototypes have been completed and have completed 100 flying hours. I do not think anyone really knows what it will do or whether it will have these adverse effects. I am convinced, from what the scientists who have appeared have said, that it will not. Perhaps it will have some adverse effects.

I think one of the fine arguments made on behalf of the SST is contained in the Washington Evening Star of December 15, by Crosby S. Noyes. I thought it was extremely well done. It is rather short, and it is a powerful argument why the SST should go forward. It reads as follows:

Of all the arguments that have been raised against the building of two prototype models of a supersonic transport, or SST, the weakest, it seems to me, is the argument that the plane might turn out to be an environmental menace.

It also is unquestionably the most effective of the objections raised against going ahead with the program.

There are many reasons from the standpoint of economics or national priorities for questioning the wisdom of mass production of the SST. But there would have been no question about continuing the present experimental program, except for the political power of the conservationist lobby on Capitol Hill.

The arguments of the conservationists are weak because they are very largely unproven.

In connection with that point, I have had the pleasure of working with each of the distinguished Senators from Washington, and obviously they are greatly interested in the SST. I do not know of any other Members of the Senate who are more conservation minded than they. I have been privileged to work on the Parks and Recreation Subcommittee of the Committee on the Interior during the last number of years. We have created, under the constant urging of the Senator from Washington, the chairman of the full committee, park after park after park and recreation area after recreation area, lakeshore area after lakeshore area, all over the United States. All these parks and areas are strongly urged by the conservationists.

I know of the great work that the senior Senator from Washington has done in this field and the work he has done year after year in the Committee on Commerce, in the protection of the environment.

The article continues:

For months, they have been arguing that the SST would be an ecological disaster, polluting the atmosphere, bombarding the earth with intolerable noise, subjecting passengers and crews to a variety of hazards and possibly even bringing about drastic climatic changes to the planet.

Perhaps they are right. If they are, it will be fairly obvious to everyone that the SST ought to be banned, not only in the United States but everywhere in the world. Even those who doubt the validity of some of the arguments have accepted the idea of legal restrictions on overland flights which would produce sonic booms and on excessive airport noise levels.

The Senate spoke on that point a short time ago and made very clear its feelings on it, and I do not think I need refresh the memory of the Senate on that.

The article continues:

Yet until the fears of the environmentalists have been demonstrated by the performance of the two prototype models, it would seem premature to scrap the program altogether. It is, in fact, a little as if Columbus had decided against setting sail for fear of falling off the edge of the world.

Nor will the world be much protected from disaster by any restrictions imposed by the United States Senate. The British, French and Russians already are busily flight-testing their own models of the supersonic transport. If these tests have turned up any serious environmental problems, the rest of the world has yet to be told about them. And the suggestion that the American version of the SST would greatly increase whatever risk may be involved is hardly justified.

Certainly, the notion that the construction of a supersonic prototype would precipitate some kind of immediate and irreversible environmental catastrophe is absurd on the face of it. Whatever genuine threat to the environment may be involved, the best way—indeed, the only way—of identifying the threat, assessing the potential hazard and possibly correcting, it is to build the prototype planes.

In fact, however, the implication that the SST represents an excursion into a wholly unexplored area of technology is quite wrong. Supersonic flight has been a reality for many years and many thousands of military aircraft have created none of the nightmarish problems that the environmentalists describe.

I may be corrected on this, but I believe there have been approximately 500,000 hours of flights——

Mr. MAGNUSON. Five hundred and thirty-eight thousand hours.

Mr. BIBLE. There have been 538,000 hours of flights supersonically by our own Air Force, which I believe is emphatic.

I read further from the article:

The difference with the SST is only one of size of the individual aircraft and total numbers involved.

Opponents of the SST have argued that, unless the project is stopped in its experimental stage, it will be far more difficult to stop it later on, even if the danger to the environment becomes manifest. Once the commitment is made on the prototypes, they feel, and many more millions of dollars spent, the construction of fleets of supersonic transports will be inevitable, regardless of the consequences.

This is a curiously fatalistic argument which the opponents of the SST, if they have their way, will do much to disprove. A cutoff of funds for prototype development at this stage would, in fact, undo many years of research and development and scrap a project on which billions of dollars have been invested.

In this connection also, it is interesting to note that the British and French, whose program is far more advanced than ours, are seriously reassessing the feasibility of mass-producing the Concorde version of the SST on purely economic grounds.

Surely, if the American program can be stopped in its tracks on the basis of vague

ecological apprehensions, it clearly can be stopped or modified later on if the apprehensions prove valid. If this is necessary, however, it should be done as a matter of international agreement and not as the unilateral decision of a small group of American legislators.

I think that rather capsulizes my thinking on the SST problem. I am reasonably sure that we will hear much about it in the next few days. I am convinced that it is a program which, having been started and being well on its way, is better to complete now, rather than to junk it and not find out whether the prototype will or will not work, and whether it will present the hazards suggested by those who oppose the SST.

Mr. President, I promised to yield at this stage in my remarks to the distinguished Senator from Mississippi, and I yield to him at this time.

Mr. STENNIS. Mr. President, I thank the Senator from Nevada very much. I shall take only a small amount of time of the Senate. I know there are others here who want to say something.

I want first, though, to thank the Senator from Nevada for the long hours and the hard work he put in on this bill from the opening of the hearing until the close of the conference right down up until now. It was quite a task. It has grown into one of the large appropriation bills. It is a growing department of the Government. I am chairman of the Subcommittee on Appropriations but we got to it here when the military procurement bill was still under debate, and I had to follow that with the conference and I asked the able Senator from Nevada, a very valuable member on our subcommittee and the full committee, to fill in and take the responsibility, which he has done in a splendid way.

I helped out where I could. I have been totally interested in it, but the Senator from Nevada is the one who carried the load.

Just a point or two I want to emphasize. I have checked this with the Appropriations Committee chief of staff, who knows what he is talking about, and the $290 million in the bill that the Senate voted on—that is how the figure looked—but the real facts of life are that the Senate and the House, with the President signing the continuing resolution, has already spent $105 million of that money. It is already obligated and, in effect, the spending has to be appropriated for some time for the SST, or the Government is subject to a suit for it. So, of course, the thing to do is to appropriate the money. So that this money was put in the bill, and of course, in conference—even though in the Senate some Members thought they were voting it out. That left the simple arithmetic of $185 million in conference, we might say, and only $185 million that the conferees had any real control over. The Senate and House had spent the other $105 million. So we finally, after a deadlock and thorough discussion, rather spirited at times, ably represented here by those who had voted to take the item out, took that $105 million as a guideline. That was for the first 6 months, and we put in another $105 million for the second 6 months. It was that simple. We finally were able to reach agreement on that basis. That is the basis it is here. So, percentagewise, of the amount that was really at issue in the conference, while the Senate got 43 percent of its position as to the money, the House got 57 percent of its position as to the money.

Certainly, under the circumstances of this contract as running, that is a fair settlement, we thought, and still think, of the entire matter.

Another overwhelming fact is that this is a 12-year program, and we are now in the 10th year of that program and have already spent, counting the $105 million, $813 million. That money has gone. It has gone. Now we propose to put in this $105 million to run it, making it $918 million out of what was originally a $1.3 billion program.

Shall we turn back now?

The only way in the world to realize or know the answer to that question is to talk it out and see this thing through which I believe is the considered judgment of the Senate to do.

Mr. PROXMIRE. Mr. President, will the Senator from Nevada yield, on the point the Senator from Mississippi has just raised?

Mr. BIBLE. I have no objection at all, if the Senator is willing to answer the question.

Mr. PROXMIRE. The Senator from Mississippi has said that we have already appropriated, by continuing resolutions, $105 million and, therefore, the only thing in consideration is the difference of $105 and $290, which is $185 million.

I might say to the Senator that I strongly disagree with him. In the first place, a strict construction of the continuing resolution would indicate that the people who have the SST program have gone further with it than they had a right to go. Last fiscal year, they were spending $85 million on the SST. Under the continuing resolution they are supposed to spend at no greater rate than they were spending last year. So they have already spent $105 million on the program this year on the SST. Now why in the world should we, therefore, assume that that $105 million, having been spent, is sacrosanct from the standpoint of negotiations? It would be logical to me to say that the Department of Transportation has spent almost half the $290 millions, let them stop when they get to $145 million. That would be an even split. But any amount of funding continues the program and is a defeat for the majority of the Senate that voted to kill the program.

Mr. STENNIS. Assuming that they stayed within the boundaries of the continuing resolution, and we can check that further, I have not heard that challenged, but assuming that they stayed within law, and I think they did, $105 million has already been obligated, legally, through a continuing resolution that was voted for, so far as I know..

Mr. PROXMIRE. The Senator is right. I asked the GAO about that and I asked them to give me an opinion, and they gave me one, and the opinion was, as the Senator indicates, that the Department of Transportation was right, they had every right to spend the $105 million. That was the interpretation. The point now is that because they have gone halfway with the program does not mean, therefore, that they should be given half of the remaining half.

Mr. BIBLE. If I could interject there. By way of clarification, I think this problem came up and was raised by the Senator from Wisconsin way back in October. He requested and secured a Comptroller General's opinion, which I thought made clear that the rate at which they were expending was within the framework of the continuing resolution under which we are operating.

So that there may be no misunderstanding, I ask unanimous consent to have printed in the RECORD the letter dated October 9, 1970, from R. F. Keller, the Assistant Comptroller General of the United States, to the Senator from Wisconsin (Mr. PROXMIRE).

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., October 9, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your informal inquiry of October 7, 1970, questioning whether the Department of Transportation (DOT) has thus far in fiscal year 1971 incurred obligations in connection with the Supersonic Transport (SST) project in excess of the amount authorized by Public Law 91-294, approved June 29, 1970, as amended, making continuing appropriations for the fiscal year 1970.

Question arises by reason of the fact that the appropriation bill providing funds for the fiscal year 1971 for DOT has been passed only by the House of Representatives and, consequently, the funds currently available to DOT are those provided by Public Law 91-294.

Section 101(a) of Public Law 91-294 provides for the appropriation of—

"Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1970 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1971.

* * * * *

"Department of Transportation and Related Agencies Appropriation Act;

* * * * *

"Whenever an Act listed in this subsection has been passed by only one House * * * the pertinent project or activity shall be continued under the appropriation, funds, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower * * *."

The amount available to DOT for the SST project in fiscal year 1970 amounted to $184,000,000, consisting of an appropriation in the sum of $85,000,000 and a carry over from previous years of $99,000,000.

Currently, the Department of Transportation and Related Agencies Appropriation Act, H.R. 17755, which was passed by the House of Representatives on May 27, 1970, provides the amount of $289,965,000 for the SST project for the fiscal year 1971 as requested in the President's budget. There also was an unobligated balance of $23.3 million carried forward into 1971 from prior years.

In view of the provisions of Public Law 91-294 quoted above, since the amount provided in the House passed bill exceeded the amount available during fiscal year 1970, the SST project, beginning July 1, 1970, is authorized to be continued under the appropriation "at a rate for operations not exceeding the current [fiscal year 1970] rate."

For the purposes of the question you have raised we think it is proper to consider both the appropriation for 1970 of $85,000,000 and the carry over from previous years of $99,000,000 as the total amount available for "operations" during the fiscal year 1970. The estimated unobligated balance at the end of each fiscal year is disclosed in the annual budgets as being available for the ensuing budget year.

We have been advised that the amounts obligated monthly for the SST program for fiscal year 1970 and those obligations incurred or planned for the first 5 months of fiscal year 1971 are as follows:

Obligations by month:	*In millions*
July 1969	$8.7
August	7.0
September	7.8
October	9.9
November	11.0
December	14.9
January 1970	17.0
February	19.5
March	21.0
April	1.0
May	19.1
June	23.8
July	23.8
August	23.8
September (estimated)	23.8
October (estimated)	20.7
November (estimated)	21.5

In our decision of December 6, 1963, B-152554, there was considered a similar question which arose under a similar joint resolution providing for continuing appropriations which involved the continuation of a project "at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower * * *."

In that case the budget estimates exceeded the funds available to the agency for the previous fiscal year. With respect to whether the expenditures made were within the limitations of the joint resolution we stated therein, in part, as follows:

"'Rate' has been defined as a price or amount stated or fixed on anything with relation to a standard, a fixed ratio, a settled proportion. *City of Chicago* v. *Illinois Commerce Commission*, 150 N.E. 2d 776. The language 'current rate' as used in subsection 101 (b) might at first glance be viewed to mean the rate of operations for the corresponding month of fiscal year 1963, or as 1/12 of the appropriations for 1963, or the month of June 1963, or some other portion of the appropriations for 1963. The only standard, fixed ratio, or settled proportion provided for therein with which the 'current rate' is to be related is 'the rate provided for in the budget estimate.' Since the budget estimate is for a full fiscal year it follows that the 'current rate' may have been intended to mean the rate of operations which was carried on within the appropriations for the entire fiscal year 1963. There is some legislative history of the instant joint resolution to support this view. Therefore while obligations incurred by an agency during any particular month may exceed the June 1963 obligations, 1/12 of obligations incurred for fiscal year 1963, or obligations incurred during some other portion of fiscal year 1963, it does not necessarily follow that there has been a violation of subsection 101(b). Variations in the monthly or quarterly obligations are recognized in the apportionment procedures authorized by the antideficiency act, section 3679, Revised Statutes, as amended, 31 U.S.C. 665. Any mathematical formula not recognizing such variations in the many complex governmental programs would not seem practicable. While the legislative intent of the term 'current rate' is not clear, we are inclined to the view that the requirements of subsection 101(b) have been met where an agency can establish that it is operating under a flexible plan that would enable continuation of activities throughout the fiscal year 1964 within the level of the appropriations available during the preceding fiscal year or as provided in the budget estimate, whichever is lower. The guide for agencies restricted to the current rate generally should be the pattern of obligations incurred during the fiscal year 1963. Once the appropriation act has been enacted, expenditures must be charged to the applicable appropriation, as required by section 103 of Pub. L. 88-55."

What was stated therein appears to be equally applicable to the question now under consideration.

While the use of the June 1970 rate of obligations if continued monthly through fiscal year 1971 would exceed the amount available to DOT in fiscal year 1970, DOT has advised us that the SST program plan of operations for this fiscal year is flexible dependent on when its request for appropriations is approved. Under this plan, if DOT's request for appropriations is approved prior to November 30, 1970, in the amount requested, obligations under the SST program will be increased over the existing monthly rate. If approval is deferred by Congress and the DOT must continue under the authority of the Joint Resolution, obligations under the SST program will be severely curtailed to reflect necessary program changes resulting from deferral of work. The plan provides for continuance of the SST program throughout the fiscal year 1971 at a rate which will not permit the obligations to exceed the amount of the appropriations available for this purpose during fiscal year 1970 nor would the obligations in any one month exceed the obligations incurred during June 1970. While the program if continued throughout fiscal year 1971 under the continuing resolution would have to be substantially curtailed during the last seven months, we cannot say that the Department has not complied with the criteria contained in our December 6, 1963, decision or that it has violated Public Law 91-294, the continuing resolution.

Sincerely yours,

R. F. KELLER,
Assistant Comptroller General of the United States.

Several Senators addressed the Chair.

Mr. BIBLE. Mr. President, I had promised first to yield to the Senator from New Jersey (Mr. CASE).

Mr. MAGNUSON. If I could just interject here, on that one point. I do not want to interrupt here, but the record should be kept straight. The Comptroller General said the amount of money that was spent is legal, and proper, did he not?

Mr. PROXMIRE. He said that.

Mr. MAGNUSON. Did he or did he not?

Mr. PROXMIRE. He said it was legal. Yes, he did.

Mr. MAGNUSON. Well, that is the end of this conversation, then.

Mr. PROXMIRE. As far as the Senator from Washington is concerned, but not the Senator from Wisconsin.

Mr. MAGNUSON. There was a carryover of 99 million.

Mr. PROXMIRE. That was the reason, because it was a carryover.

Mr. BIBLE. Mr. President, I think the letter I have just had printed in the RECORD speaks for itself. I think that will be the answer to the question.

Mr. President, I now yield to the Senator from New Jersey, the ranking member from the Transportation Appropriations Subcommittee which had a lot of other items in the bill besides the SST.

Mr. CASE. It did, indeed.

One of them is a matter I want to speak briefly about, but first let me say that working with the Senator from Nevada on this bill this year has been a most pleasant task. It was long and tedious and the outcome was not entirely satisfactory to me regarding the SST, but no one could fault the Senator from Nevada for either fairness or lack of fairness, for his diligence and his courtesy, and the conduct necessarily appropriate to a Senator of the United States from the State of Nevada.

Mr. BIBLE. I appreciate that.

Mr. CASE. The bill is a big one. I wish it were bigger in some respects. I wish it had a little bit less money for concrete highways and more money for steel rail transit in the bigger cities, but we did not do too badly as far as mass transit went.

Mr. BIBLE. I thought we did very well on that.

Mr. CASE. The Senator will recall that when we got the bill from the House, the House had put on it a limitation of funding on the mass transit program of $214 million.

Mr. BIBLE. The Senator is correct.

Mr. CASE. The House acted at a time before the mass transit bill had passed and become law.

Mr. BIBLE. The Senator is correct.

Mr. CASE. The figure the House took is the amount that had been appropriated for the program in a prior year.

The matter came to the Senate. At the time the Senate dealt with it, I am happy to say that we had the benefit of a program authorized in law for mass transit covering 5 years and the expenditure or obligation of roughly $3,100,000,000.

Mr. BIBLE. The Senator is correct.

Mr. CASE. And the Senate very wisely, I think, eliminated from the appropriation bill any ceilings on expenditure and obligations for the current fiscal year, the year to which the appropriation bill relates.

So we went to conference with the House ceiling of $214 million and no Senate ceiling and a rough approximation of some $864 million as the amount the administration would like to commit in fiscal 1971.

We tussled with the House for quite a while. They wanted to put in something like a $400 million or a $450 million ceiling. However, we broke for lunch and they came back refreshed. They had obviously been spoken to by people.

So, we agreed on the far more preferable figure of $600 million for the balance of this year as the ceiling for this program. It is a good, solid amount.

I hope that next year we get swinging to the point where we will not have a congressional ceiling but will be able to go along with the amount required to

complete the program within its scheduled time.

This was a good result. I thank my colleagues on the Senate side for supporting the Senate action, a matter in which my own State and area of the country is particularly interested.

We have a special interest in the matter. My colleague, the junior Senator from New Jersey (Mr. WILLIAMS), was a chief sponsor of the bill which created the mass transit program in the current session of Congress. So, both Senators from New Jersey are expressing their gratitude for this result.

Most of the rest of the matters speak for themselves. I shall not detain the Senate long now with any statement at length of my views on the SST. As the Senator knows, I voted against it in the Senate, having opposed it in committee beforehand. Several of us on the conference committee, though not a majority of the Senate or House conferees, were in the same position. We opposed the SST.

We talked about it, I think, as long as we reasonably could, and we arrived at a solution of which I do not approve, and yet I do not regard it as outside the ballpark as far as the action of the conference went.

I do not think that the characterization of the Senator from Nevada of the Senate's original action as folly is entirely supportable. But again I think it is rhetoric that is permissible in debate.

Mr. BIBLE. We hear lots of things in debate.

Mr. CASE. I think that onbalance we would have been much wiser not to have included any money for the SST.

There is this matter about the figure which I think ought to be thrown out at this time. That is that it does not make very much logical sense to put in $210 million. I think that if we are going to continue the SST, we had better, as the Secretary of Transportation brought out, put in the whole amount because otherwise it will be very much more costly in the end to shave and pare the total amount.

Mr. BIBLE. Mr. President, I might say that it will be a considerable increase. And that happens on every project where we have underfunding of the amount and a stretchout in time. It increases the costs; the Senator is correct.

Mr. CASE. Mr. President, I think this is an argument that those who are not satisfied with the conference action on this matter will probably want to bring out.

I do not forecast my action on the conference report, although I suspect, in spite of the technical perfection, that a substantive defect with respect to the SST will make it neessary for me to vote against it. I shall not detain the Senate longer on that score.

Mr. BIBLE. Mr. President, I appreciate the sentiments of the Senator from New Jersey. I appreciate his feelings on the SST. I certainly do not harbor any ill feeling toward anyone who feels differently than I do. I find that happens all the time in life.

We worked for the best report we could get. I thought it was a fair conference.

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

Mr. BIBLE. I yield to the senior Senator from Washington.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I do not want to delay the Senate either. However, the Senator from New Jersey and I have frequently been on conference committees and appropriations committees over the years. We have tried to develop rapid transit, urban renewal, and many other needed programs.

I have listened to arguments about priorities to the effect that maybe we should not build this airplane because we ought to be doing something about rapid transit.

I take the position that we can do both. I do not know why we cannot. We are trying to do both, and no one has been more active in this field than I have. And I am also talking about HEW and the health programs as well.

I do not know why this country cannot do both. But I do know one thing. The Senator from New Jersey, the Senator from Nevada and I have been on the Appropriations Committee a long time. It just does not work this way; if we cut out $105 million over here, that does not mean that we will end up with more rapid transit in New Jersey.

What we ought to do is to press for rapid transit in New Jersey and let this program stand on its own merits.

This is the way it works. Reordering priorities does not work this way. It sometimes works that way when the budget is sent up, but not when the Appropriations Committee considers separate budgets. We are all for many of the things that have been talked about here today.

I am hopeful that the Senate will not be deluded by the thought that if we cannot spend on something over here, that those funds will end up where someone else wants them. It does not work out that way.

Mr. President, I want to take this opportunity to thank the Senator from Nevada, the Senator from Mississippi, and all other Senators who cooperated in the really tough job we had on this entire bill.

The SST involves only 3 percent of this appropriations bill and only one-eighth of 1 percent of the entire national budget.

I am certain that our competition devotes a bigger percentage of their budgets to this effort and they have more fiscal problems than we do.

Mr. President, I want to have some material printed in the RECORD tonight if I may. I think every Senator should know what is at stake if this bill is not passed.

I am terribly concerned about the impact of a threatened filibuster on the agencies and programs funded under this appropriation measure. I want every Senator to know what is at stake if this bill should not be passed; therefore, I ask unanimous consent to have printed in the RECORD at this point a copy of the Senate-passed bill, the Senate report, the House-Senate conference report, and a recent letter I received from Secretary Volpe.

There being no objection, the material was ordered to be printed in the RECORD.

H.R. 17755

An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; $17,840,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics; $14,500,000, to remain available until expended, of which $4,600,000 shall be available for research into the meteorological and environmental effects of aircraft flight in the atmosphere.

GRANTS-IN-AID FOR NATURAL GAS PIPELINE SAFETY

For grants-in-aid to carry out a pipeline safety program as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674) $1,000,000.

CONSOLIDATION OF DEPARTMENTAL HEADQUARTERS

For necessary expenses in connection with the consolidation of departmental activities into the Southwest Area of Washington, District of Columbia, $4,845,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; and recreation and welfare; $423,500,000, of which $137,063 shall be applied to Capehart Housing debt reduction: *Provided,* That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-three exclusive of planes and parts stored to meet future attrition: *Provided further,* That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who had held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights: *Provided further,* That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this ap-

propriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That, except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents: *Provided further*, That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandmant and his determination shall be final and conclusive upon the accounting officer of the Government: *Provided further*, That not to exceed $100,000 shall be available for expenses, not otherwise provided for, necessary to enable the Coast Guard to discharge its responsibilities in connection with the meeting of the 11th International Lifeboat Conference, including transportation and entertainment of official representatives.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by 5 U.S.C. 3109; $100,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, $64,530,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; maintenance and operation of facilities; and supplies, equipment, and services; $25,900,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test and evaluation; services as authorized by 5 U.S.C. 3109; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $23,000,000, to remain available until expended including $13,500,000 for the national data buoy development project.

OIL POLLUTION FUND

For the revolving fund authorized to be established pursuant to section 11(k) of the Water Pollution Control Act, as amended, $35,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Public Law 91–258; purchase of three passenger motor vehicles for replacement only; and purchase and repair of skis and snowshoes; and arms and ammunition; $951,885,000: *Provided*, That $28,000,000 of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation: *Provided further*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

FACILITIES AND EQUIPMENT

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, but at a total cost of construction of not to exceed $50,000 per housing unit in Alaska; $190,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center.

RESEARCH AND DEVELOPMENT

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $47,500,000, to remain available until expended.

OPERATION AND MAINTENANCE, NATIONAL CAPITAL AIRPORTS

For expenses incident to the care, operation, maintenance, improvement and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, for replacement only, which may exceed by $450 the general purchase price limitation for the current fiscal year; purchase, cleaning and repair of uniforms; and arms and ammunition; $10,500,000.

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $4,000,000, to remain available until expended.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

FEDERAL HIGHWAY ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, as authorized by law, of the Office of the Administrator and staff offices of the Federal Highway Administration, including services as authorized by 5 U.S.C. 3109, $525,000, together with not to exceed $14,826,000, to be transferred from the appropriation for "Federal-Aid Highways (trust fund)."

BUREAU OF PUBLIC ROADS, LIMITATION ON GENERAL EXPENSES (TRUST FUND)

For necessary expenses, not otherwise provided, for administration, operation, and research of the Bureau of Public Roads, as authorized by law, not to exceed $70,433,000 shall be paid, in accordance with law, from the appropriation "Federal-Aid Highways (trust fund)" (including advances and reimbursements): *Provided*, That appropriations available to the Bureau of Public Roads shall be available for hire of passenger motor vehicles; uniforms or allowances therefor authorized by law (5 U.S.C. 5901–5902); and services as authorized by 5 U.S.C. 3109.

FEDERAL-AID HIGHWAYS (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, $4,352,390,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of $1,891,234,036, the balance of the amount authorized for the fiscal year 1969, and $2,446,810,950 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1970, $12,011,809 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, $158,053 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320, $2,046,492 for reimbursement of sums expended pursuant to the provisions of section 2 of the Pacific Northwest Disaster Relief Act of 1965 (79 Stat. 131), and $128,660 for reimbursement of the sums expended pursuant to the provisions of section 21 of the Alaska Omnibus Act, as amended (78 Stat. 505).

RIGHT-OF-WAY REVOLVING FUND (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, $35,000,000 to be derived from the "Highway trust fund" at such times and in such amounts as may be necessary to meet current withdrawals.

HIGHWAY BEAUTIFICATION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), to remain available until expended, $16,500,000, together with $500,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 6(g) of the Federal-Aid Highway Act of 1968.

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as

authorized by the Department of Transportation Act (80 Stat. 939—40): $3,718,000.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $20,000,000, which sum is composed of $19,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1969, and $50,000, a part of the amount authorized to be appropriated for 1970: *Provided,* That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000.

PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $15,000,000, which sum is composed of $14,300,000, the balance of the amount authorized to be appropriated for the fiscal year 1969, and $700,000, a part of the amount authorized to be appropriated for the fiscal year 1970.

NATIONAL HIGHWAY SAFETY BUREAU

TRAFFIC AND HIGHWAY SAFETY

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety, including services authorized by 5 U.S.C. 3109; $47,601,000, together with $2,611,000 to be transferred from the appropriation for "State and community highway safety (Liquidation of contract authorization)."

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For the payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, $51,000,000, of which not to exceed $2,611,000 may be advanced to the appropriation "Traffic and highway safety" and not to exceed $289,000 may be advanced to the appropriation "Federal Aid Highways (trust fund)" for administration of this program.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Federal Railroad Administration, including services as authorized by 5 U.S.C. 3109; $1,395,000.

BUREAU OF RAILROAD SAFETY

For necessary expenses of the Bureau of Railroad Safety, not otherwise provided for, including services as authorized by 5 U.S.C. 3109; $4,500,000.

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $21,688,000, to remain available until expended.

RAILROAD RESEARCH

For necessary expenses for conducting railroad research activities, $1,005,000, to remain available until expended, of which not less than $230,000 shall be available for freight car utilization studies.

ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided,* That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS–15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS–17, and five officers at not to exceed the salaries prescribed by said Act for grade GS–16.

URBAN MASS TRANSPORTATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Urban Mass Transportation Administration, including services as authorized by 5 U.S.C. 3109; $3,450,000.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION

For necessary expenses for research, development, and demonstration projects as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605); $20,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed $700,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation, hire of passenger motor vehicles, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901–5902) and $15,000 for services as authorized by 5 U.S.C. 3109.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including employment of temporary guards on a contract or fee basis; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); $6,000,000.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed $1,000 for official reception and representation expenses, $11,134,000.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board $58,300,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $27,000,000, of which $300,000 additional shall be available for the employment of car service agents, and $150,000 shall be available for valuation of pipelines: *Provided,* That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

PAYMENT OF LOAN GUARANTIES

For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $3,216,668, together with such amounts as may be necessary to pay interest.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91–143), including acquisition of rights-of-way, land and interests therein, to remain available until expended $180,028,000 for the fiscal year 1971, and $150,000,000 for the fiscal year 1972.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds appropriated under this Act for expenditure by the Federal Aviation Administration may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Administration, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development.

SEC. 303. None of this fund provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $80,000,000 in fiscal year 1971 for "State and Community Highway Safety".

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $33,000,000, exclusive of the reimbursable program, in fiscal year 1971 for "Forest Highways".

SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $16,000,000 in fiscal year 1971 for "Public Lands Highways".

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 307. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida ly-

ing south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmenal effect on the ecology of the Everglades and until any sites selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1971".

[From S. Rept. No. 91-1372]

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971

Amount of bill as passed House	[1] $2,579,579,937
Amount of increase by Senate	164,308,668
Amount of bill as reported to Senate	[1] 2,743,888,605
Budget estimates, 1971	[2] 2,741,827,437
Appropriations, 1970	[3] 2,316,779,630
The bill as reported to the Senate:	
Over the estimates	2,061,168
Over the appropriations for 1970	427,108,975

[1] Includes $150,000,000 for 1972.
[2] Includes $188,011,000 for 1972.
[3] Includes $214,000,000 for 1971.

Items Deferred or Not Considered by the House

The total amount recommended by the Senate Committee (including liquidating cash) is $7,233,915,668. This includes the following:

Deferred by the House:

For high-speed ground transportation research and development—deferred by the House for lack of authorization—Public Law 91-444 was approved October 13, 1970, $21,688,000.

Estimates transmitted directly to the Senate (not considered by the House):

In S. Doc. 95 of July 24, 1970—for payment of Interstate Commerce Commission loan guaranties, $3,216,668 of $3,313,500 requested.

In S. Doc. 103 of September 14, 1970—for air security guards, $28,000,000.

In S. Doc. 104 of September 15, 1970—capitalization of oil pollution fund, $35,000,000.

In total, items deferred or not previously considered by the House amount to $87,904,668.

ITEMS OF APPROPRIATION IN SENATE AMENDMENTS RECOMMENDED WITHOUT STATUTORY AUTHORITY

	Amount	Report page No.
Coast Guard: Operating expenses	$15,000	7
Federal Aviation Administration: Operations	28,000,000	9

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority [1] fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	Amount recommended by Senate committee for 1971	Increase (+) or decrease (−), Senate bill compared with— Appropriations of new budget (obligational) authority, fiscal year 1970	Budget estimates, 1971	House bill, 1971
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
SUMMARY RECAPITULATION							
Office of the Secretary	$112,840,000	$337,320,000	$326,540,000	$328,150,000	+$215,310,000	−$9,170,000	+$1,610,000
Coast Guard	576,393,630	660,132,937	623,292,937	671,792,937	+95,399,307	+11,660,000	+48,500,000
Federal Aviation Administration	1,152,547,000	1,210,985,000	1,173,385,000	1,203,885,000	+51,338,000	−7,100,000	+30,500,000
Federal Highway Administration	9,355,000	5,443,000	4,443,000	4,743,900	−4,612,000	−700,000	+300,000
National Highway Safety Bureau	30,150,000	53,075,000	40,435,000	47,601,000	+17,451,000	−5,474,000	+7,166,000
Federal Railroad Administration	16,755,000	29,338,900	6,795,000	28,588,000	+11,833,000	−750,000	+21,793,000
Urban Mass Transportation Administration	[2] 215,600,000	4,000,000	3,200,000	23,450,000	−192,150,000	+19,450,000	+20,250,000
St. Lawrence Seaway Development Corp	(652,000)	(700,000)	(700,000)	(700,000)	(+48,000)		
Related agencies	203,139,000	[3] 441,533,500	[4] 401,489,000	[4] 435,678,668	+232,539,668	−5,854,832	+34,189,668
Total, new budget authority	2,316,779,630	2,741,827,437	2,579,579,937	2,743,888,605	+427,108,975	+2,061,168	+164,308,668
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(−36,389,000)	(−21,110,000)	(+$9,050,000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(+5,693)		
Grand total, all appropriations	(6,843,190,000)	(7,252,964,500)	(7,060,557,000)	(7,223,915,668)	(+390,725,668)	(−19,048,832)	(+173,358,668)

[1] Includes amounts in titles I and II, Public Law 91-305, 2d Supplemental for 1970; excludes $29,585,793 (indefinite appropriations) in title III.
[2] Includes $214,000,000 appropriated for 1971.
[3] Includes $188,011,000 advance for 1972.
[4] Includes $150,000,000 advance for 1972.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Salaries and Expenses

1970 appropriations	$12,320,000
1971 budget estimate (H. Doc. 91-333)	19,510,000
House allowance	17,230,000
Committee recommendation	17,840,000

The Committee recommendation of $17,840,000 would provide 843 positions, an increase of 40 positions, and $610,000 over the House allowance. The following summary tabulation reflects the distribution of these positions:

	Budget request	House allowance	Restoration requested	Committee recommendation
Secretarial Offices	134	108	+20	128
Assistant Secretary for Administration	335	311	+14	311
General Counsel	39	35	+4	39
Assistant Secretary for Public Affairs	87	71	0	71
Assistant Secretary for Policy and International Affairs	116	96	+9	96
Assistant Secretary for Environmental and Urban Systems	58	50	+8	58
Assistant Secretary for Systems Development and Technology	199	132	+38	140
Total	[1] 968	[2] 803	+93	[2] 843

[1] Includes 187 counterpart positions transferred from within the Department.
[2] Includes 172 counterpart positions; 15 Coast Guard positions were excluded.

The additional 20 positions for Secretarial Offices over the House allowance provide for Departmental representation on the Regional Councils established by the President in 1969.

The recommendation specifically denies 30 field positions and agrees with the House that the Department's field organization is a matter requiring comprehensive review. The restorations of 14 positions requested for the Assistant Secretary for Administration and nine for Policy and International Affairs are not approved.

This committee is concerned by the indifferent attitude and lack of affirmative action expressed by the Department in the serious problem of cargo theft in all modes of transportation. This problem has been estimated as costing the American public upwards of $1 billion a year. In July 1969, the Department witnesses testified before the Senate Small Business Committee, stating "that the Department of Transportation (was) aware of and concerned about the problem of loss of * * * cargo through damage and pilferage." At that time they informed that Committee that a general study of the problem was nearing completion. In testimony before the Senate Commerce Committee on September 30, 1970, some 1½ years later, the Department indicated the study was not yet in final form. At this hearing they further testified that they were giving high priority to a systematic effort to expore the many problems of crime prevention in the freight transportation sector.

It is apparent that the Department, after numerous congressional hearings, is still merely studying and exploring the problem, with no definitive program for affirmative action. The Department has also been seemingly reluctant to consult with the Senate committees conducting an investigation in this area. It is the intention of this committee that the Department officials periodically inform the Congress of activities and progress in this vital area. Further, the Department is urged to take a more affirmative approach in dealing with this problem and eliminate the rhetoric and vacillation now apparent.

The Committee was asked to consider granting relief from the House Committee report language which would establish a

286-position ceiling on the Working Capital Fund and advances and reimbursement-financed positions. It is the sense of the Committee that the Department should be able to operate the Working Capital Fund financed operations at a level of 300, exclusive of employment financed by advances and reimbursements received from other agencies.

The Committee expects that the operations of the Transportation Systems Center at Cambridge, Massachusetts, will appear in the 1972 budget as a line item. This will afford the Committee a better opportunity for evaluation of funding and staffing requirements. The inclusion of a working fund schedule contemplating advances and reimbursements from the various administrations is not acceptable from the standpoint of clearly revealing activities, program performance, and staffing levels.

Transportation Planning, Research, and Development

1970 appropriations	$11,000,000
1971 budget estimate	22,000,000
House allowance	14,500,000
Committee recommendation	14,500,000

An appropriation of $14,500,000 is recommended. Of this amount, $8,000,000 is for the air traffic capacity program initiated in fiscal 1970.

The Committee has included language in the bill earmarking $4,600,000 for "research into the meteorological and environmental effects of aircraft flight in the atmosphere."

Grants-in-Aid for Natural Gas Pipeline Safety

1970 appropriations	0
1971 budget estimate	$1,000,000
House allowance	0
Committee recommendation	1,000,000

The Committee recommends $1,000,000, the amount of the budget estimate. This item was denied by the House. The Department requested restoration.

Under the Natural Gas Pipeline Safety Act of 1968, grants may be made to State agencies to carry out a State natural gas pipeline safety program. These grants may be up to 50% of the cost of personnel, equipment and other expenses of State agencies to carry out a natural gas pipeline safety program of intrastate gas pipeline facilities under a certification or agreement as provided in the act. The act contemplates adoption by the Federal Government of minimum safety standards, annual voluntary compliance by State agencies with certain statutory requirements, and Federal grants to assist the cooperating States. This appropriation finances these grants-in-aid to the States.

Consolidation of Departmental Headquarters

1971 appropriations	$4,520,000
1971 budget estimate (H. Doc. 91-333)	4,845,000
House allowance	4,845,000
Committee recommendation	4,845,000

The recommendation of $4,845,000 is the amount of the amended budget estimate and the House allowance.

This amount includes $4,250,000 for the full-year rental cost for a new headquarters building at 400 7th Street, S.W., Washington, D.C., and $595,000 for rental space for employee parking in the headquarters building.

Under current procedures, the Department budgets for the first full-year rental cost. The rental costs will be budgeted by the General Services Administration after 1971.

Civil Supersonic Aircraft Development

1970 appropriations	$85,000,000
1971 budget estimate	289,965,000
House allowance	289,965,000
Committee recommendation	289,965,000

The Committee recommends an appropriation of $289,965,000, the budget estimate and the House allowance. Together with the net $708,375,000 previously appropriated, this would bring the total to date to $998,340,000.

The objective of this program is to develop a supersonic transport which will be safe, economically profitable in airline service, and more technically advanced than any other commercial aircraft. Because of the magnitude of the funds required to develop the aircraft, the technical risk associated with this first U.S. supersonic transport, and the long period between investment and potential profit, Government financial support is deemed essential. The program is a cost-sharing venture involving the Government, the aircraft manufacturers, and their customers—the airlines.

The program is now in the prototype construction phase which includes 100 hours of flight testing. The amount recommended is the estimate of funds needed in 1971 to continue work on the construction of two prototype aircraft.

Last year, in providing funds for continuation of the commercial supersonic transport program, the Committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom.

The law the Committee has in mind is one specifically prohibiting overland flights at sonic-boom producing speeds. Such a restriction is embodied in S. 942, now pending before the Senate Commerce Committee.

Our Committee regrets that in place of pressing for such legislation, the Secretary has chosen instead to seek an agency rule to deal with the matter.

In the Committee's view, a rule, which is subject to arbitrary change, is no substitute for a law passed by the Congress.

The Department's approach permits the unfortunate inference that the Department some day may wish to relax its rule on overland SST flights should such flights be deemed essential to the SST's commercial success.

The Committee believes public concern on overland flights can be allayed by the Department promptly supporting the pending legislation, or submitting a bill of its own.

As it did last year, the Committee states unequivocally that it is not willing to buy aviation leadership at further costs to our environment.

Coast Guard

Operating Expenses

1970 appropriations	$408,675,000
1971 budget estimate	426,740,000
House allowance	[1] 423,500,000
Committee recommendation	[1] 423,500,000

[1] Includes $137,063 for debt reduction.

The recommendation of $423,500,000 is $3,240,000 less than the budget request. The testimony revealed that this reduction can be achieved as a result of the Vietnamization of operations in Southeast Asia, and a reduction in general support costs. The Department did not request restoration.

An amendment has been recommended deleting language relating to transportation of dependent school children overseas. This language is now unnecessary since it is authorized by P.L. 91-278, approved June 15, 1970.

Language has been added, as requested, to make this appropriation available for certain confidential investigative expenses. The General Accounting Office recently advised the agency that future payments must be supported by specific appropriation language. No statutory authorization now exists for this language.

Acquisition, Construction, and Improvements

1970 appropriations	$67,700,000
1971 budget estimate	100,000,000
House allowance	90,000,000
Committee recommendation	100,000,000

The $100,000,000 recommended by the Committee is the amount of the budget request.

The House allowance contemplated utilization of balances which the testimony reveals are committed to on-going projects financed on a "full funding" basis.

The allowance includes $59,000,000 to construct a new polar icebreaker.

The effects of the House reduction, if permitted to stand, appear on page 61 of the Senate hearings. The reduction, according to the record, would eliminate 40 percent of the planned program for major repairs to cutters and replacement of physical plants ashore.

The Committee interposes no objection to the proposed reprogramming of AC&I funds to cover price increases in public works projects during the recent construction freeze. Reprogramming to cover restoration of storm damage is also approved with the understanding that no additional facilities or facility expansions are involved.

Retired Pay

1970 appropriations	$58,750,000
1971 budget estimate	64,530,000
House allowance	64,530,000
Committee recommendation	64,530,000

The Committee recommendation of $64,530,000 is the amount of the House allowance and the budget estimate.

These funds provide for retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former lighthouse and life-saving services, and for payment to survivors pursuant to the retired serviceman's family protection plan.

Reserve Training

1970 appropriations	$26,900,000
1971 budget estimate	10,000,000
House allowance	25,900,000
Committee recommendation	25,900,000

The Committee recommends $25,900,000, the amount provided in the House bill. The Committee was informed that this would permit a year-end strength of 15,000.

Testimony was received that the Coast Guard is developing a program for peacetime utilization of the Reserve by the regular Coast Guard during certain national emergencies and natural disasters.

Research, Development, Test, and Evaluation

1970 appropriations	$14,500,000
1971 budget estimate	24,000,000
House allowance	19,500,000
Committee recommendation	23,000,000

The $23,000,000 recommended is $1,000,000 less than the budget estimate.

Of the total recommended, $13,500,000 has been approved and earmarked for the national buoy development project, and $4,000,000, as requested, for maritime pollution control systems development.

Oil Pollution Fund

1970 appropriations	----------
1971 budget estimate (S. Doc. 91-104)	$35,000,000
House allowance	----------
Committee recommendation	35,000,000

The Committee recommends an appropriation of $35,000,000, as requested September 15, 1970 (S. Doc. 91-104).

The language in the bill follows:

"For the revolving fund authorized to be established pursuant to section 11 of the Water Quality Improvement Act of 1970 (Public Law 91-224), $35,000,000, to remain available until expended."

This fund finances all direct and indirect costs incurred in the cleanup of oil or other hazardous materials spilled into the navigable waters of the United States, adjoining shorelines, or waters of the contiguous zone. These costs include reimbursement to other accounts and other government agencies, states, and political subdivisions thereof for actual costs incurred, payments to contrac-

tors, and payments to operators under section 11(i) of PL 91-224. It finances these operations by appropriations and by assessments against owners or operators of vessels, onshore and offshore facilities, and other vessels operated by onshore facilities when a spill occurs and the owner is not in a position to accomplish cleanup with its own resources. In addition, all fines assessed under sections 11 and 12 of the Water Quality Improvement Act of 1970 (P.L. 91-224) are paid into the fund.

Federal Aviation Administration

Operations

1970 appropriations	$825,597,000
1971 budget estimate	923,885,000
Amendment (S. Doc. 91-103)	28,000,000
House allowance	923,885,000
Committee recommendation	951,885,000

The Committee recommends the amount of the amended budget estimate.

A summary tabulation showing a comparison of 1970 and 1971, by activity, follows:

SUMMARY OF PROGRAM REQUIREMENTS BY ACTIVITY

[Dollars in thousands]

Activity	1970 appropriation		Committee recommendation for 1971 [1]		Difference	
	Positions	Amount	Positions	Amount	Positions	Amount
Operation of traffic control system	27,167	$398,202	29,498	$448,046	+2,331	+$49,844
Installation and materiel services	2,941	88,466	3,057	104,711	+116	+16,245
Maintenance of traffic control system	11,435	194,662	12,839	218,347	+1,404	+23,685
Administration of flight standards program	5,993	112,276	6,398	147,485	+405	+35,209
Administration of medical programs	305	5,808	325	6,485	+20	+677
Research direction	647	11,606	653	11,649	+6	+43
Administration of airports program	827	14,385	906	15,162	+79	+777
Subtotal	49,315	825,405	53,676	951,885	+4,361	+126,480
Transfer to other accounts		+192				−192
Total appropriation	49,315	825,597	53,676	951,885	+4,361	+126,288

[1] Includes $28,000,000 increase over House allowance (S. Doc. 91-103).

The House allowance of $923,885,000 provides the full amount of the original budget estimate. This funds 4,361 new positions, of which 2,265 are air traffic control personnel. With this increment, the Congress will have provided 9,496 new air traffic control positions from fiscal 1968 to 1971 inclusive.

The Committee recommendation of $951,885,000 adds $28,000,000, contingent upon enactment of legislation for air security guards, as requested in S. Doc. 91-103 of September 14, 1970.

Since the testimony before the Committee on September 17, 1970, in which it was stated that 2,500 additional positions were involved, the Committee notes that a reimbursable agreement with the Treasury Department has been announced, pursuant to which the Treasury Department will provide the permanent sky marshal force. This force will fly aboard U.S. commercial aircraft and conduct predeparture inspections of air passengers.

Facilities and Equipment

1970 appropriations	$224,000,000
1971 budget estimate	190,000,000
House allowance	190,000,000
Committee recommendation	190,000,000

The Committee recommendation is $190,000,000. These funds will carry forward the program to increase the capacity of the airways system by en route automation. It provides for continuation of major efforts already underway to provide an automation capability in the air traffic control system.

The Committee agrees with the House in denying the 135 additional personnel proposed. The testimony disclosed 262 vacancies in the 1,243 positions authorized for 1970.

Research and Development

1970 appropriations	$41,000,000
1971 budget estimate	47,500,000
House allowance	45,000,000
Committee recommendation	47,500,000

The Committee recommendation is to provide an increase of $2,500,000 over the House bill and the full amount of the budget request. The following is a summary of the activities funded under this allowance:

Air Traffic Control	$34,212,000
Navigation	5,142,000
Aviation Weather	800,000
Aircraft Safety	5,346,000
Aviation Medicine	2,000,000
Total	47,500,000

The testimony in support of this restoration referred to efforts in noise and pollution abatement, system capacity, airport design, airspace interference, turbulence, oceanic and area navigation techniques, metering and spacing of aircraft in terminal areas, and anti-collision devices.

Operation and Maintenance, National Capital Airports

1970 appropriations	$10,050,000
1971 budget estimate	10,600,000
House allowance	10,500,000
Committee recommendation	10,500,000

The $10,500,000 recommended is $100,000 less than the estimate and identical with the House allowance. No new personnel were requested or recommended.

This appropriation finances management, operations, maintenance, and capital outlay costs for equipment and maintenance projects at the federally-owned Washington National and Dulles International Airports which serve the National Capital area.

The operation of the airports is conducted on a business basis with revenues derived from landing fees, concession activity, and lease arrangements deposited as receipts in the general fund of the Treasury. The direct operating costs and capital outlays are financed by direct appropriation.

The Washington National Airport is operating at a profit while Dulles International Airport continues operating at a deficit which results in a deficit for the combined operation of these airports.

Construction, National Capital Airports

1970 appropriations	$1,900,000
1971 budget estimate	11,000,000
House allowance	4,000,000
Committee recommendation	4,000,000

The $4,000,000 recommended provides for the two National Capital Airports. The funds recommended will provide $2 million for Washington National Airport, distributed as follows:

Aircraft parking apron	$420,000
Groove Runway 15-33	160,000
Roadway improvements	100,000
Modifications to industrial waste treatment plant	160,000
Taxiway centerline lights	70,000
Storm drainage improvements	430,000
Water main	55,000
High intensity runway centerline lights	250,000
Fuel storage	355,000
Total	2,000,000

The $2 million for Dulles International Airport distributes as follows:

Public parking expansion	$1,100,000
Overlay south service road	110,000
Utilities, north commercial area	220,000
Service road improvements	420,000
Access highway overlay	150,000
Total	2,000,000

In view of the unobligated balances amounting to $6.7 million, the House allowance did not provide construction funds at this time for the expansion of the Dulles Terminal Building.

The Department did not request restoration; the Committee concurs with the House on this deferral.

Grants-in-Aid for Airports

1970 appropriations	$50,000,000
1971	0
House allowance	Language
Committee recommendation	Delete

The Committee recommends the deletion of Section 303 of the House bill. The language appears in the committee recommended version of the bill as follows:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregrating more than $220,000,000 in fiscal year 1971."

The language in the House version of the bill would negate the long-term contracting authority which has been provided in the Airport and Airway Development Act (P.L. 91-258).

General Provisions

The purpose of the language contained in last year's Appropriation Act (Sec. 310) was to ensure environmental protection to the Everglades National Park in the absence of appropriate study of the potential adverse effects of a major airport constructed in the south Florida area. The environmental protection is now provided by the joint agreement between the Departments of Transportation and Interior, the State of Florida, and the Dade County Port Authority. The agreement calls for a comprehensive environmental study and analysis of the South Florida area and prohibits the construction of the contemplated airport until an appropriate joint study has determined an environmentally acceptable site and that site is approved by the Federal Government.

The amended language provides fully for carrying out the purpose of the agreement and the intent of the original language. The language follows:

"SEC. 308. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study."

The committee is seriously concerned about the proposed development of the Portland International Airport. Present architectural plans call for one runway to be built into the Columbia River, thus changing the natural flow of the Columbia River.

The committee is concerned that federally

supported airport construction projects not degrade the environment or threaten natural resources such as the Columbia River. It is particularly important that the new Council on Environmental Quality review the various agency and Department decisions on projects that will have a serious impact on the Nation's environment.

The committee is also concerned that local officials search out airport locations that will have the least possible environmental impact. Hopefully, this action will demonstrate the concern of Congress regarding the location and impact of airport construction.

The committee recommendations include the following language:

"SEC. 309. None of the funds provided under this Act or any other Act shall be available for the planning or execution of programs for any construction of the Portland International Airport, or any other air facility in or near the mouth of the Columbia River, until appropraite studies to identify an environmentally acceptable site for an airport to serve the area are completed and until any site selected on the basis of such studies is approved by the Department of the Interior and the Department of Transportation and is reviewed and approved by the Council on Environmental Quality: *Provided,* That nothing in this section shall affect the availability of such funds to carry out these studies."

Federal Highway Administration

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

	Appropriation	Transfer from trust fund
1970 appropriations	$1,782,000	($13,568,000)
19/1 budget estimate (H. Doc. 91-333)	[1] 525,000	(14,956,000)
House allowance	500,000	(14,721,000)
Committee recommendation	525,000	(14,826,000)

[1] Decrease ot $2,225,000 considered under traffic and highway safety.

The Committee recommends an appropriation of $525,000, and a transfer of $14,826,000 from the Highway Trust Fund. This would provide for an increase of 10 positions, $25,000 in appropriated funds, and a $105,000 increase in the transfer from the Highway Trust Fund. The $130,000 in additional funds over the House allowance would provide $46,000 for better utilization of seven positions previously approved by the House, and $84,000 to finance the 10 additional positions.

The Administrator testified that the additional positions were needed to meet additional responsibilities under the Federal-Aid Highway Act of 1968, related to relocation assistance, equal employment opportunities, and the extension of minimum wage procedures to all Federal-Aid Highway projects. In addition, the Bureau of Motor Carrier Safety enforcement activities have significantly increased.

The 908 positions for which this allowance would provide reflect a reduction of 16 from the 924 requested.

The Staff and Administrative Support activity of the Bureau of Motor Carrier Safety is funded under this appropriation.

Bureau of Public Roads

Limitation on general expenses

(Transfer from highway trust fund)

1970 appropriations	($62,202,000)
1971 budget estimate (H. Doc. 91-333)	(77,913,000)
House allowance	(68,488,000)
Committee recommendation	(70,433,000)

The Committee recommends a limitation of $70,433,000. The increase of $1,945,000 over the House allowance will provide $772,000 for 100 additional positions; $148,000 in additional financing for 50 new positions authorized in the House allowance; $400,000 for mandatory cost increases such as increases in per diem travel allowances, salary increase of 1969, for within grade promotions; and $625,000 for the Highway Planning Contract Program.

The recommended increases are not based upon interstate system construction, but are related to activity in the TOPICS Program, up-grading safety standards for rural interstate and urban roads; relocation assistance; and bridge inspection duties under the National Bridge Inspection Program.

The 3,020 positions provided for in this allowance reflect a reduction of 140 from the 3,160 contemplated in the budget request, but provide an increase of 150 over the comparable 1970 level.

Expenses for administration of the Federal-Aid Highway program and for highway research by the Bureau of Public Roads are financed by deduction from Federal-Aid authorizations. Administrative services for other programs of the Bureau and for road construction programs of other Federal agencies are initially financed from this activity, and reimbursements are collected from these programs. This limitation does not cover administrative expenses of highway beautification, which are handled by a separate appropriation.

Federal-Aid Highway (Trust Fund)

(Appropriation to liquidate contract authorization)

1970 appropriations	($4,419,279,000)
1971 budget estimate	(4,360,000,000)
House allowance	(4,350,340,000)
Committee recommendation	(4,352,390,000)

The Committee recommends an appropriation of $4,352,390,000 from the Highway Trust Fund. The increase of $2,050,000 over the House allowance provides for the financing of the additional amounts provided in the Office of the Administrator of the Bureau of Public Roads items. The restoration would maintain the House approved level of cash appropriations available for the payment of State claims for construction.

The 1971 estimate reflects reduced cash requirements resulting from the lowered obligation levels of the current year, primarily in the Federal-Aid Highway program.

The Committee was informed that the voluntary curtailments of obligations in the Federal-Aid Highway program were lifted on March 17, 1970. As a result, preliminary actual obligations in 1970 are approximately $4.8 billion as compared to the $4.0 billion level estimated in the budget. Since liquidating cash requirements for 1971, as presented in the budget, did not contemplate relief from the holdback, it is probable that a supplemental will be required in 1971. The amount of such a supplemental is dependent upon the rate of obligations in the first half of fiscal year 1971 and cannot be determined until these obligations are known.

Right-of-Way Revolving Fund

(Trust fund-appropriation to liquidate contract authorization)

1970 appropriations	($40,000,000)
1971 budget estimate	(35,000,000)
House allowance	(35,000,000)
Committee recommendation	(35,000,000)

An appropriation of $35,000,000 is recommended, the amount of the budget estimate and the House bill.

The Federal-Aid Highway Act of 1968 makes provision for the establishment of a right-of-way revolving fund for the advance acquisition of rights-of-way by the States and payment of relocation expenses, including the State share of the cost and without interest.

An appropriation of $100 million in each of the years 1970, 1971, and 1972 was authorized from the Highway Trust Fund. Funds can be obligated in the year prior to the year for which authorized.

The appropriation of $35 million is the second request for financing the revolving fund. The appropriation provided for 1970 was $40 million. The need for additional appropriations up to the authorized $300 million will be determined by the extent to which the States utilize this fund and the rate at which reimbursements are received to make the fund self-sustaining. The appropriation makes no addition to the overall highway program costs, but merely advances in time an expenditure which must eventually be made and for which money is already available within the Trust Fund. Use of the fund not only reduces costs of the program, but materially assists individuals and businesses which are displaced.

HIGHWAY BEAUTIFICATION

	Administrative expenses	Liquidation of contract authorization
1970 appropriations	$1,100,000	($5,000,000)
1971 budget estimate	800,000	(20,000,000)
House allowance	500,000	(16,500,000)
Committee recommendation	500,000	(16,500,000)

The House bill and the Committee recommendation provide $500,000 for administrative expenses of the Highway Beautification Program. There is also recommended an appropriation of $16,500,000 to liquidate contract authorization.

The committee received a joint letter from the Chairman and ranking Minority Member of the Senate Committee on Public Works urging the elimination of the limitation in the House bill limiting obligations to $5.5 million. Since the committee has had no opportunity to review this matter on the basis of the new pending legislation, the committee recommends without change the House language in the committee bill Section 303, which has the effect of limiting obligations to $5,500,000.

Motor Carrier Safety

1970 appropriations	$2,473,000
1971 budget estimate	4,118,000
House allowance	3,443,000
Committee recommendation	3,718,000

The recommended appropriation of $3,718,000 would provide for 20 additional positions and $275,000 over the House allowance. The increase of $275,000 consists of $160,000 applied to financing of the 20 new positions and $115,000 to allow full-year financing in fiscal year 1971 of the positions authorized for fiscal year 1970.

The allowance recommended will provide the full complement of 211 positions requested in the budget for personnel, but is $400,000—proposed for contract research and development—less than the budget request.

This appropriation provides for the development and execution of policy and programs for accomplishment of the motor carrier safety mission in accordance with the Department of Transportation Act, the Interstate Commerce Act, and the Explosives and Combustibles Act.

Forest Highways

(Liquidation of contract authorization)

1970 appropriations	($25,000,000)
1971 budget estimate	(20,000,000)
House allowance	[1] (15,000,000)
Committee recommendation	[2] (20,000,000)

[1] And obligation limitation of $22,500,000.
[2] And obligation limitation of $33,000,000.

The Committee recommends an appropriation of $20,000,000 to liquidate contract authorization, as requested in the budget, and an increase of $5,000,000 over the House allowance.

The Committee was informed that failure to restore this amount will virtually eliminate work in 1971 since about $15,000,000 is required to pay prior-year obligations.

In addition, the Committee recommends

that the limitation (Section 305) in the General Provisions be increased from $22.5 million proposed by the House and be established at $33 million, the authorization level.

The reduction of almost one-third in obligations would result in a serious program setback in 1971. A tabulation appearing on page 213 of the Senate hearings reflects the effect on the States with national forest areas.

It was also indicated that delays in construction projects would seriously hamper the efforts of this program to incorporate into the rural systems the additional safety features necessary to cope with the increasing usage of these highways.

Main highways within or adjacent to national forests are constructed and improved with these funds. Projects are jointly selected by the States, the Forest Service, and the Federal Highway Administration on the basis of their contribution to meeting traffic requirements within the national forests. Authorities are apportioned by States on the basis of a formula which uses as factors the national forest area and value in each State. Contract authority of $33 million is available for each of 1970 and 1971. Funds can be obligated in the year prior to the year for which authorized.

The recommended $20 million finances the balance of the 1969 authority and $50,000 of the 1970 authority provided by the Federal-Aid Highway Act of 1968.

(Liquidation of contract authorization)

1970 appropriations	($7,000,000)
1971 budget estimate	(15,000,000)
House allowance	[1](13,000,000)
Committee recommendation	[2](15,000,000)

[1] And obligation limitation of $10,000,000.
[2] And obligation limitation of $16,000,000.

An appropriation of $15,000,000 to liquidate contract authorization is proposed. This is an increase of $2,000,000 over the House allowance and is the full amount of the budget request. These funds are used to assist the States with large areas of public lands in the improvement of sections of main roads which the States may find difficult to finance otherwise. These funds are allocated to the States for specific projects on the basis of need. Most of the liquidating cash appropriation will be needed to pay claims against prior-year obligations. This requirement would leave less than $900,000, under the House allowance, to pay claims against current year obligations.

The Committee recommends that the limitation in Section 306 be increased from the $10,000,000 proposed by the House to $16,000,000. This program was greatly curtailed in fiscal year 1970 as a result of the construction "freeze" and further reduction of obligating authority in 1971 would cause undue delay in the construction of new highways and in the reconstruction of present highways through our publicly owned lands. A tabulation on page 202 (Senate hearings) shows the effect of the reduction.

Contract authority was made available by the Federal-Aid Highway Act of 1968 for 1970 and 1971 in the amount of $16 million for each year.

The recommendation finances $14.3 million, the remainder of the 1969 authority, and $0.7 million, a portion of the 1970 authority.

National Highway Safety Bureau

TRAFFIC AND HIGHWAY SAFETY

	Appropriation	By transfer
1970 appropriations	$30,150,000	($2,05,0,00)
1971 budget estimate (H. Doc. 91-333)	53,075,000	(2,611,000)
House allowance	40,435,000	(2,611,000)
Committee recommendation	47,601,000	(2,611,000)

The Committee recommends an appropriation of $47,601,000, an increase of $7,166,000 over the House bill and $5,474,000 under the budget request.

The increase provides an additional $6,500,000 for the Bureau's contract program (for a total of $35,500,000).

The following summary reflects the distribution of the 74 additional positions for which $666,000 has been recommended:

	1970	1971 request	House allowance	Committee recommendation
Program direction and coordination	67	88	77	83
Motor vehicle programs	170	234	194	223
Traffic safety programs:				
Washington	88	115	100	106
Field	62	133	87	104
Research and analysis	115	163	133	146
Staff and administrative support services	87	110	98	101
Total	589	843	689	763

This recommendation provides the full restoration requested by the Department.

State and Community Highway Safety

(Appropriation to liquidate contract authorization)

1970 appropriations	($30,000,000)
1971 budget estimate	(61,000,000)
House allowance	[1](51,000,000)
Committee recommendation	[2](51,000,000)

[1] And obligation limitation of $70,000,000.
[2] And obligation limitation of $80,000,000.

The Committee recommends an appropriation of $51,000,000 to liquidate contract authorization, as provided by the House allowance. The Department did not request restoration of the $10,000,000 reduction from the budget estimate.

The Committee recommends that the limitation in Section 304 be increased to $80,000,000 as planned in the budget. Testimony given indicates that a $70,000,000 limitation will prohibit virtually all new projects and prevent an orderly, planned build-up of ongoing projects.

The Highway Safety Act of 1966 provides that each State shall have a highway safety program approved by the Secretary. Federal grants are provided to assist the States and their political subdivisions in the establishment of highway safety programs based on comprehensive statewide plans in accordance with uniform standards to be promulgated by the Secretary. The States are required to match the Federal grants.

Federal Railroad Administration

Office of the Administrator, Salaries and Expenses

1970 appropriations	$1,135,000
1971 budget estimate	1,600,000
House allowance	1,395,000
Committee recommendation	1,395,000

The Committee concurs with the House in recommending $1,395,000 and denies the 14 additional positions requested.

This Committee also is still not satisfied that there is sufficient authority vested in the Federal Railroad Administration to cope with the many problems currently facing the railroads.

Bureau of Railroad Safety

1970 appropriations	$4,320,000
1971 budget estimate	4,550,000
House allowance	4,500,000
Committee recommendation	4,500,000

The recommendation of $4,500,000 is $50,000 less than the budget estimate and is the amount of the House allowance. No new positions were requested or allowed.

The Bureau of Railroad Safety performs functions relating generally to the investigation and reporting of safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission; to transportation of explosives and other dangerous articles; to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers; to hours of service of railroad employees; to safety appliances, methods and systems; and to railroad safety.

High-Speed Ground Transportation Research and Development

1970 appropriations	$11,000,000
1971 budget estimate	21,688,000
House allowance	Deferred
Committee recommendation	21,688,000

The Committee recommends an appropriation of $21,688,000, the amount of the budget estimate.

The amount recommended includes $18,220,000 for research and development; $2,368,000 for demonstrations; and $1,100,000 for administration.

The House deferred this item in May for lack of authorization; Public Law 91-444 extending this authorization was signed October 13, 1970.

The reprogramming of $1,040,000 from prior-year funds for the Autotrain project to begin site preparation at the high-speed ground test facility at Pueblo, Colorado, is approved.

Railroad Research

1970 appropriations	$300,000
1971 budget estimate	1,500,000
House allowance	900,000
Committee recommendation	1,005,000

The committee recommends $1,005,000, which is $105,000 over the House allowance and $495,000 under the budget estimate.

The bill language recommended provides that $230,000 shall be available for car utilization research. The committee understands that of the $230,000 in the Federal Railroad Administration budget for car utilization research, $150,000 is for research to relieve the national freight car shortage problem.

Urban Mass Transportation Administration

Salaries and Expenses

1970 appropriations	$1,600,000
1971 budget estimate	4,000,000
House allowance	3,200,000
Committee recommendation	3,450,000

The committee recommends an appropriation of $3,450,000, an increase of $250,000 over the House allowance but $550,000 under the budget estimate. This will provide 219 positions which is 42 over the House allowance and 90 positions over the 1970 level. The 28 field positions included in the budget request, disallowed by the House, were not included in the Department's restoration request and are excluded in this recommendation.

The Committee is pleased that a sufficient number of personnel has been assigned to make progress in a difficult situation. The Committee urges, however, that a good portion of the additional positions granted should be assigned to the area of capital grants because the testimony clearly indicated that there are too few people there now to handle the increasing load. UMTA should make greater efforts to secure personnel with transportation backgrounds.

The Committee commends UMTA for its assurances that the Skybus project in Pittsburgh will be tightly managed. The Committee believes that additional funds should be granted for this project only if UMTA is completely satisfied that Skybus is technically and economically feasible. The Committee also hopes that UMTA will exercise

stringent control of the TACV project in Los Angeles, which in the Committee's view has the potential of becoming an open-ended financial commitment. The Committee is pleased to learn of UMTA's plans to conduct meaningful research and demonstrations with the bus and rail rapid transit modes of urban transit. The Committee is especially pleased to learn of UMTA's plans to initiate a program in the area of light rail transit.

Research, Development, and Demonstration

The $20,000,000 recommended herein for research, development, and demonstration projects is for efforts oriented toward rail rapid transit, commuter rail and light (tramline) rail transit. The Committee believes that the current state of the art in the transit industry has done little or nothing to complement these three types of urban mass transportation. Urban areas that use fixed rail systems are carrying the largest volume of passengers. This, the largest body of urban area mass transportation user, should be recognized in the Federal program and receive the benefit of improved technologies, safety, comfort and convenience.

Urban Mass Transportation Fund

1970 appropriations (for 1971)	$214,000,000
1971 budget estimate	0
House allowance	Language
Committee recommendation	Delete

The Committee recommends the deletion of Section 308 of the House bill. The language appears in the committee recommended version of the bill as follows:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $214,000,000 in fiscal year 1971, plus the additional amounts appropriated therefor."

The language in the House version of the bill would limit the 1971 program level in the Urban Mass Transportation Assistance Act of 1970 (P.L. 91-453, approved October 5, 1970) which authorizes long-term commitments under contract authority.

The Committee was informed that under the Urban Mass Transportation Assistance Act of 1970, capital grants of approximately $860 million could be approved in fiscal 1971 and that this level is consistent with the President's 1971 budget.

St. Lawrence Seaway Development Corporation

Limitation on Administrative Expenses

1970 appropriations	($652,000)
1971 budget estimate	(700,000)
House allowance	(700,000)
Committee recommendation	(700,000)

The Committee recommends an administrative expense limitation of $700,000, as provided in the budget and allowed by the House.

The Saint Lawrence Seaway Development Corporation, a wholly Government-owned enterprise, is responsible for the construction, operation, and maintenance of that part of the St. Lawrence Seaway within the territorial limits of the United States (33 U.S.C. 981).

For 1971, the Corporation's total revenue was estimated at $7.5 million to be applied:

(a) To pay estimated operating expenses for 1971 of $3 million, consisting of administrative expenses of $0.7 million (subject to congressional limitation) and $2.3 million for operation and maintenance of the seaway facilities.

(b) To return $4.5 million to the U.S. Treasury in payment of interest on borrowings. This payment is estimated to be $1.7 million less than the interest charges on borrowings estimated at $6.2 million for 1971.

The Committee notes that P.L. 91-469 terminates accrual and payment of interest on obligations of the Corporation. The Department has informed the Committee that "revenue net of expenses would be transferred to the Treasury to begin retirement of the Corporation's overall debt, now nearly $156 million".

RELATED AGENCIES

National Transportation Safety Board

Salaries and Expenses

1970 appropriations	$5,400,000
1971 budget estimate	6,120,000
House allowance	6,000,000
Committee recommendation	6,000,000

The Committee recommends an appropriation of $6,000,000, the amount of the House bill, and $120,000 less than the budget estimate. This provides 6 positions and $600,000 over the 1970 level.

The Committee does not find accident prevention representing a new direction but agrees with the Board's approach to maximize utilization of already existing safety data from accident investigation and analytical work. The Committee believes that the 281 positions provided within the House allowance should be ample.

The Safety Board investigates, determines the probable cause, and issues reports on all civilian aviation accidents; makes final cause determination and reports the facts and circumstances of major surface transportation accidents, relying on the administrations within the Department of Transportation to investigate such surface transportation accidents; conducts special transportation safety studies; and makes recommendations for the purpose of preventing accidents and promoting safety in transportation.

Civil Aeronautics Board

Salaries and Expenses

1970 appropriations	$11,100,000
1971 budget estimate	11,134,000
House allowance	11,134,000
Committee recommendation	11,134,000

The recommended appropriation of $11,134,000 is in the amount of the House bill and budget estimate.

This allowance provides for 685 positions, which was the 1970 level.

In view of the fact that air cargo theft is becoming a very serious and growing problem with deleterious effects on the viability of air commerce, and that accurate information on it is not known by any agency of the Federal Government, it becomes obvious that measures must be taken to determine the actual extent of the problem.

The Federal Aviation Act of 1958 (49 U.S.C. 1377) requires the Civil Aeronautics Board to acquire and maintain whatever reports it considers necessary, to be made at times specified by the Board. The Committee therefore recommends that the Civil Aeronautics Board consider a rule-making proceeding to establish a uniform cargo loss reporting system and that it develop a better awareness of the problem posed to air commerce by cargo theft and pilferage.

The committee is concerned that the CAB has never made a full-scale study of air cargo rates. The committee received assurance from the CAB during the hearings on this bill that the CAB would supply to the committee, no later than November 15, 1970, a detailed plan to conduct an overall air cargo rate investigation. The CAB has now informed the committee that they have requested additional funds and personnel in their fiscal year 1972 budget for this purpose. The committee expects that planning for this full-scale study will proceed expeditiously.

Payments to Air Carriers

1970 appropriations	$33,500,000
1971 budget estimate	27,327,000
House allowance	27,327,000
Committee recommendation	58,300,000

In recommending an appropriation of $58,300,000, the Committee is responding to the situation called to its attention by the Chairman of the Civil Aeronautics Board relative to the plight of the local service carriers.

Testimony given reveals that the 1971 budget estimate substantially understates the Board's needs in fiscal 1971, as they do not reflect the subsidy support actions which the Board finds necessary since formulation of the budget, to assure that large segments of the American public will continue to receive adequate air service.

The Civil Aeronautics Board fixes rates of subsidy compensation to promote the development of air transportation to the extent and of the quality required for the Board to make subsidy payments to subsidy-eligible certificated air carriers who have demonstrated a statutory need therefor.

Interstate Commerce Commission

Salaries and Expenses

1970 appropriations	$27,027,000
1971 budget estimate	25,600,000
House allowance	27,000,000
Committee recommendation	27,000,000

The Committee recommends an appropriation of $27,000,000, the amount of the House allowance, and $1,400,000 over the budget estimate. In concurring with the House allowance, the Committee is in accord with the rationale contained in the House report.

The Committee concurs in the belief expressed in the House report that the Commission's effectiveness would be seriously impaired if the budget cuts proposed were adopted and that the general public would suffer therefrom.

Because of its continuing concern with the box car problem, the Committee has amended the House bill to include language earmarking $300,000 for additional car service agent activities. It is the intent of the Committee that the additional staff be assigned to the field.

Payment of Loan Guaranties

1970 appropriations	0
1971 budget estimate (S. Doc. 95)	[1] $3,313,500
House allowance	0
Committee recommendation	[2] 3,216,668

[1] Includes principal and interest to Aug. 1, 1970.

[2] And language *"together with such amounts as may be necessary to pay interest."*

The Committee has approved the full amount of the request, sent to the Senate on July 24, 1970, and revised the amount to include principal and language to include interest to date of payment instead of an amount consisting of principal and interest to August 1.

The default involved guaranteed loans, under Sec. 503 of the Interstate Commerce Act, as amended, of the Boston and Maine Railroad.

Washington Metropolitan Area Transit Authority

FEDERAL CONTRIBUTION

	For 1971	For 1972
1971 budget estimate	$180,028,000	$188,011,000
House allowance	180,028,000	150,000,000
Committee recommendation	180,028,000	150,000,000

The Committee concurs with the House, for the reasons given in their report, in the recommendations of $180,028,000 for fiscal 1971 and an advance appropriation of $150,000,000 for fiscal 1972 for the Federal share of the rapid rail transit system for the National Capital Area.

The Committee is deferring, without prej-

udice, at this time the requested restoration of $38,011,000 in advance funding for 1972.

In accordance with the National Capital Transportation Act of 1969 (Public Law 91-143), approved December 9, 1969, the Authority has responsibility for the development of a full regional transit system which will extend from a central distributor system within the District of Columbia out into the participating jurisdictions of Maryland and Virginia. The system includes a total areawide network of approximately 98 miles. Under this authorization the Federal share is two-thirds of the net project cost. Actual construction of the system was commenced on December 9, 1969.

Total appropriations for 1970 were $126,112,000 for the Federal contribution.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES FOR 1971

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompaning bill]

Agency and item	New budget (obligational) authority, 1970	Budget estimate of new (obligational) authority, 1971	Increase (+) or decrease (−)
(1)	(2)	(3)	(4)
Federal Aviation Administration:			
Grants-in-aid for airports	[1] ($30,000,000)		(−$30,000,000)
Federal Highway Administration:			
State and community highway safety (contract authorization)	100,000,000		−100,000,000
Forest highways (contract authorization)	33,000,000		−33,000,000
Public lands highways (contract authorization)	16,000,000		−16,000,000
Urban Mass Transportation Administration:			
Urban mass transportation fund	[1] (175,000,000)	[1] ($214,000,000)	(+39,000,000)
Total, permanent new budget (obligational) authority, Federal funds	149,000,000		−149,000,000
Coast Guard: General gift fund (indefinite)	$30,000	$25,000	−$5,000
Federal Highway Administration:			
Federal-aid highways (contract authorization)	5,475,000,000	4,050,000,000	−1,425,000,000
Right-of-way revolving fund (contract authorization)	100,000,000	100,000,000	
International trust funds (indefinite)	3,000,000	4,500,000	+1,500,000
Miscellaneous trust funds (indefinite)	$490,000	$500,000	+$10,000
Total, permanent new budget (obligational) authority, trust funds	5,578,520,000	4,155,025,000	−1,423,495,000

[1] New budget (obligational) authority becoming available under prior appropriation acts, excluded from totals.

Note: Amounts as estimated and shown in the February 1970, budget document. Some items are indefinite in amount, and thus are subject to later reestimation.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and Item	[1] New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	Amount recommended by Senate committee for 1971	Increase (+) or decrease (−), Senate bill compared with— Appropriations of new budgets (obligational) authority, fiscal year 1970	Budget estimates, 1971	House bill, 1971
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TITLE I							
DEPARTMENT OF TRANSPORTATION							
Office of the Secretary							
Salaries and expenses	$12,320,000	[2] $19,510,000	$17,230,000	$17,840,000	+$5,520,000	−$1,670,000	+$610,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	14,500,000	+3,500,000	−7,500,000	
Grants-in-aid for natural gas pipeline safety		1,000,000		1,000,000	+1,000,000		+1,000,000
Consolidation of department headquarters	4,520,000	[3] 4,845,000	4,845,000	4,845,000	+325,000		
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000	289,965,000	+204,965,000		
Total, Office of the Secretary	112,840,000	337,320,000	326,540,000	328,150,000	+215,310,000	+9,170,000	+1,610,000
Coast Guard							
Operating expenses	408,675,000	426,740,000	423,500,000	423,500,000	+14,825,000	−3,240,000	
Appropriation for debt reduction (deduct)	131,370	137,063	137,063	137,063	−5,693		
Subtotal, operating expenses	408,543,630	426,602,937	423,362,937	423,362,937	+14,819,307	−3,240,000	
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	100,000,000	+32,300,000		+10,000,000
Retired pay	58,750,000	64,530,000	64,530,000	64,530,000	+5,780,000		
Reserve training	26,900,000	10,000,000	25,900,000	25,900,000	−1,000,000	+15,900,000	
Research, development, test, and evaluation	14,500,000	24,000,000	19,500,000	23,000,000	+8,500,000	−1,000,000	+3,500,000
Oil pollution fund (S. Doc. 91-104)		35,000,000		35,000,000	+35,000,000		+35,000,000
Total, Coast Guard	576,393,630	660,132,937	623,292,937	671,792,937	+95,399,307	+11,660,000	+48,500,000
Federal Aviation Administration							
Operations	825,597,000	[4] 951,885,000	923,885,000	[4] 951,885,000	+126,288,000		+28,000,000
Facilities and equipment	224,000,000	190,000,000	190,000,000	190,000,000	−34,000,000		
Research and development	41,000,000	47,500,000	45,000,000	47,500,000	+6,500,000		+2,500,000
Operation and maintenance, national capital airports	10,050,000	10,600,000	10,500,000	10,500,000	+450,000	−100,000	
Construction, national capital airports	1,900,000	11,000,000	4,000,000	4,000,000	+2,100,000	−7,000,000	
Grants-in-aid for airports	50,000,000				−50,000,000		
Limitation on obligations		[5]	(220,000,000)	Delete			(−220,000,000)
General provisions				Language			
Total Federal Aviation Administration	1,152,547,000	1,210,985,000	1,173,385,000	1,203,885,000	+51,338,000	−7,100,000	+30,500,000
Federal Highway Administration							
Office of the Administrator, salaries and expenses:							
Appropriation	1,782,000	[6] 525,000	500,000	525,000	−1,257,000		+25,000
Trust fund limitation (transfer)	(13,568,000)	(14,956,000)	(14,721,000)	(14,826,000)	(+1,258,000)	(−130,000)	(+105,000)
Bureau of Public Roads: Limitation on general expenses	(62,202,000)	[7] (77,913,000)	(68,488,000)	(70,433,000)	(+8,231,000)	(−7,480,000)	(+1,945,000)
Federal-aid highways (trust fund—appropriations to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(4,352,390,000)	(−66,889,000)	(−7,610,000)	(+2,050,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(40,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(−5,000,000)		

Footnotes at end of table.

Agency and Item	[1] New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	Amount recommended by Senate committee for 1971	Increase (+) or decrease (−), Senate bill compared with— Appropriations of new budgets (obligational) authority, fiscal year 1970	Budget estimates, 1971	House bill, 1971
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Highway beautification:							
Appropriation	$1,100,000	$800,000	$500,000	$500,000	−$600,000	−$300,000	
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(16,500,000)	(+11,500,000)	(−3,500,000)	
Limitation on obligations	(16,100,000)	[2]	(5,500,000)	(5,500,000)	(−10,600,000)	(+5,500,000)	
Motor carrier safety	2,473,000	4,118,000	3,443,000	3,718,000	+1,245,000	−400,000	+$275,000
Forest highways:							
Appropriation to liquidate contract authorization	(25,000,000)	(20,000,000)	(15,000,000)	(20,000,000)	(−5,000,000)		(+5,000,000)
Limitation on obligations	(18,000,000)	[3] (33,000,000)	(22,500,000)	(33,000,000)	(+15,000,000)		(+10,500,000)
Public lands highways:							
Appropriation to liquidate contract authorization	(7,000,000)	(15,000,000)	(13,000,000)	(15,000,000)	(+8,000,000)		(+2,00,000)
Limitation on obligations	(8,000,000)	[3] (16,000,000)	(10,000,000)	(16,000,000)	(+8,000,000)		(+6,000,000)
Chamizal Memorial Highway	4,000,000				−4,000,000		
Total Federal Highway Administration	9,355,000	5,443,000	4,443,000	4,743,000	−4,612,000	−700,000	+300,000
National Highway Safety Bureau							
Traffic and highway safety:							
Appropriation	30,150,000	[7] 53,075,000	40,435,000	47,601,000	+17,451,000	−5,474,000	+7,166,000
By transfer	(2,050,000)	(2,611,000)	(2,611,000)	(2,611,000)	(+561,000)		
State and community highway safety:							
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(51,000,000)	(+21,000,000)	(−10,000,000)	
Limitation on obligations	(70,000,000)	[8] (80,000,000)	(70,000,000)	(80,000,000)	(+10,000,000)		(+10,000,000)
Total National Highway Safety Bureau	30,150,000	53,075,000	40,435,000	47,601,000	+17,451,000	−5,474,000	+7,166,000
Federal Railroad Administration							
Office of the Administrator, salaries and expenses	1,135,000	1,600,000	1,395,000	1,395,000	+260,000	−205,000	
Bureau of Railroad Safety	4,320,000	4,550,000	4,500,000	4,500,000	+180,000	−50,000	
High-speed ground transportation research and development	11,000,000	21,688,000	[5]	21,688,000	+10,688,000		+21,688,000
Railroad research	300,000	1,500,000	900,000	1,005,000	+705,000	−495,000	+105,000
Total, Federal Railroad Administration	16,755,000	29,338,000	6,795,000	28,588,000	+11,833,000	−750,000	+21,793,000
Urban Mass Transportation Administration							
Salaries and expenses	1,600,000	4,000,000	3,200,000	3,450,000	+1,850,000	−550,000	+250,000
Research, development, and demonstration				20,000,000	+20,000,000	+20,000,000	+20,000,000
Urban mass transportation fund	[10] 214,000,000				−214,000,000		
Limitation on commitments		[9]	(214,000,000)				(−214,000,000)
Total, Urban Mass Transportation Administration	215,600,000	4,000,000	3,200,000	23,450,000	−192,150,000	+19,450,000	+20,250,000
St. Lawrence Seaway Development Corporation							
Limitation on administrative expenses	(652,000)	(700,000)	(700,000)	(700,000)	(+48,000)		
Total, title I, Department of Transportation	2,113,640,630	2,300,293,937	2,178,090,937	2,308,209,937	+194,569,307	+7,916,000	+130,119,000
TITLE II							
RELATED AGENCIES							
National Transportation Safety Board							
Salaries and expenses	5,400,000	6,120,000	6,000,000	6,000,000	+600,000	−120,000	
Civil Aeronautics Board							
Salaries and expenses	11,100,000	11,134,000	11,134,000	11,134,000	+34,000		
Payments to air carriers	33,500,000	27,327,000	27,327,000	58,300,000	+24,800,000	+30,973,000	+30,973,000
Total, Civil Aeronautics Board	44,600,000	38,461,000	38,461,000	69,434,000	+24,834,000	+30,973,000	+30,973,000
Interstate Commerce Commission							
Salaries and expenses	27,027,000	25,600,000	27,000,000	27,000,000	−27,000	+1,400,000	
Payment of loan guarantees (S. Doc. 95)		3,313,500		3,216,668	+3,216,668	−96,832	+3,216,668
Total, Interstate Commerce Commission	27,027,000	28,913,500	27,000,000	30,216,668	+3,189,668	+1,303,168	+3,216,668
Washington Metropolitan Area Transit Authority							
Federal contribution	126,112,000	[11] 368,039,000	[12] 330,028,000	[12] 330,028,000	+203,916,000	−38,011,000	
Total, title II, related agencies	203,139,000	441,533,500	401,489,000	435,678,668	+232,539,668	−5,854,832	+34,189,668
Total, titles I and II, new budget (obligational) authority	2,316,779,630	2,741,827,437	2,579,579,937	2,743,888,605	+427,108,975	+2,061,168	+164,308,668
Consisting of—							
Appropriations:							
Fiscal year 1970	(2,102,779,630)				(−2,102,779,630)		
Fiscal year 1971	(214,000,000)	(2,553,816,437)	(2,429,579,937)	(2,593,888,605)	(+2,379,888,605)	(+40,072,168)	(+164,308,668)
Fiscal year 1972		(188,011,000)	(150,000,000)	(150,000,000)	(+150,000,000)	(−38,011,000)	
Memorandums:							
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(−36,389,000)	(−21,110,000)	(+9,050,000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(+5,693)		
Grand total	(6,843,190,000)	(7,252,964,500)	(7,060,557,000)	(7,233,915,668)	(+390,725,668)	(−19,048,832)	(+173,358,668)

[1] Includes amounts in titles I and II, Public Law 91-305, 2d supplemental, 1970; excludes $29,585,793 (indefinite appropriations) in title III.
[2] Reflects decrease of $610,000 (H. Doc. 91-333).
[3] Includes $595,000 contained in H. Doc. 91-333.
[4] Includes $28,000,000 increase (S. Doc. 91-103).
[5] No limitation proposed.
[6] Excludes $2,225,000 considered under "Traffic and highway safety" (H. Doc. 91-333).
[7] Includes $289,000 by transfer from "State and community highway safety" (H. Doc. 91-333).
[8] Deferred; lacks authorization.
[9] Includes $2,225,000 transferred from "Office of the Administrator" (H. Doc. 91-333).
[10] Advance funding for 1971.
[11] Includes $188,011,000 advance for 1972.
[12] Includes $150,000,000 advance for 1972.

[From H. Rept. No. 91-1115]

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971

The budget estimates upon which action is taken in the accompanying bill are carried on pages 717 through 766, 870 through 872, and 922 through 925 of the Appendix to the Budget for 1971, as amended in House Document No. 91-333.

The following table summarizes the amounts recommended in the bill in comparison with the budget estimates and amounts provided for fiscal year 1970.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

Item	New budget (obligational) authority, fiscal year 1970 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in the bill	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date)	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF TRANSPORTATION					
Office of the Secretary	$112,120,000	$337,320,000	$326,540,000	+$214,420,000	−$10,780,000
Coast Guard	552,718,630	625,132,937	614,892,937	+62,174,307	−10,240,000
Federal Aviation Administration	1,093,550,000	1,182,985,000	1,173,385,000	+79,835,000	−9,600,000
Federal Highway Administration	9,050,000	5,443,000	4,443,000	−4,607,000	−1,000,000
National Highway Safety Bureau	29,550,000	53,075,000	40,435,000	+10,885,000	−12,640,000
Federal Railroad Administration	16,400,000	7,650,000	6,795,000	−9,605,000	−855,000
Urban Mass Transportation Administration	[1] 215,500,000	4,000,000	3,200,000	−212,300,000	−800,000
Subtotal, Department of Transportation	2,028,888,630	2,215,605,937	2,169,690,937	+140,802,307	−45,915,000
TITLE II—RELATED AGENCIES					
National Transportation Safety Board	5,050,000	6,120,000	6,000,000	+950,000	−120,000
Civil Aeronautics Board	43,700,000	38,461,000	38,461,000	−5,239,000	
Interstate Commerce Commission	25,127,000	25,600,000	27,000,000	+1,873,000	+1,400,000
Washington Metropolitan Area Transit Authority	43,173,000	[2] 368,039,000	[3] 330,028,000	+286,855,000	−38,011,000
Subtotal, related agencies	117,050,000	438,220,000	401,489,000	+284,439,000	−36,731,000
Total, new budget (obligational) authority	2,145,938,630	2,653,825,937	2,571,179,937	+425,241,307	−82,646,000
Appropriations to liquidate contract authorizations (title I)	4,526,279,000	4,511,000,000	4,480,840,000	−45,439,000	−30,160,000
Appropriations for debt reduction (title I)	131,370	137,063	137,063	+5,693	
Grand total, all appropriations	6,672,349,000	7,164,963,000	7,052,157,000	+379,808,000,	−112,806,000

[1] Includes $214,000,000 advance funding for fiscal year 1971.
[2] Includes $188,011,000 advance appropriation requested for fiscal year 1972.
[3] Includes $150,000,000 advance appropriation for fiscal year 1972.

Summary of the Bill

The accompanying bill would provide $2,571,179,937 in new budget (obligational) authority for the programs of the Department of Transportation and related agencies, a reduction of $82,646,000 from the $2,653,825,937 requested in the budget. The amount recommended is $425,241,307 more than the currently enacted appropriations for fiscal year 1970 and $254,150,307 more than fiscal year 1970 appropriations adjusted to include the amounts provided by the House in titles I and II of the Second Supplemental Appropriation Bill, 1970, H.R. 17399.

Appropriations to liquidate contract authorizations totaling $4,480,840,000 are recommended. The sum proposed is $30,160,000 less than the $4,511,000,000 requested and $45,439,000 less than the $4,526,279,000 appropriated for fiscal year 1970.

Further reductions are recommended in the form of limitations on obligations in certain programs financed under contract authority. Currently authorized programs under which $137,552,000 is estimated to be obligated in fiscal 1971 under contract authorizations are limited to obligations of $107,500,000, a reduction of $30,052,000. The total of all types of reductions recommended is $142,858,000.

Action has been deferred on the $21,688,000 requested for high speed ground transportation research and development since the required extension of legislative authority for this program has not yet been enacted.

The committee has carefully reviewed the programs of the Department of Transportation and the related agencies for fiscal year 1971 and is recommending what it considers to be sufficient funds to allow these organizations to help meet the requirements of our Nation's transportation system.

Selected major recommendations

Selected major recommendations are:

(1) the appropriation of the $289,965,000 requested for the continued development of a civil supersonic transport aircraft.

(2) the appropriation of the full budget request for the operations of the FAA, including 2,265 new air traffic control personnel.

(3) the addition of $7.5 million above the budget to provide for the continuation of the Coast Guard selected reserve at a level of 10,000 personnel.

(4) a reduction of $7.5 million in the transportation planning, research, and development program in the Office of the Secretary.

(5) approval of the $59 million requested under acquisition, construction, and improvements for the Coast Guard's icebreaker replacement program.

(6) a reduction of $7 million in construction, national capital airports based on the deferral of funds for expansion of the Dulles terminal building.

(7) a reduction of $12,640,000 in the traffic and highway safety appropriation of the National Highway Safety Bureau.

(8) the addition of $1,400,000 and 140 positions over the budget for the Interstate Commerce Commission.

(9) provision of the full $180,028,000 fiscal year 1971 request and $150 million of the $188,011,000 requested for fiscal year 1972 for the Federal share of the subway system in Washington, D.C.

(10) a general provision limiting commitments for urban mass transportation grants to $214 million.

(11) a general provision limiting commitments for grants-in-aid for airport development to $220 million.

Effect of Committee Action on Projected Budget Expenditures (Outlays) in Fiscal Year 1971

Based on estimates of outlays carried in the budget, the effect on expenditures (outlays) of the actions recommended by the committee is a net reduction of about $43 million in fiscal year 1971. Since expenditures are very sensitive to program change determinations, especially in construction programs, this projection is a tentative one.

Department of Transportation Organizational Structure

The fiscal year 1971 budget for the Department of Transportation proposes a number of major organizational changes. These include the transfer of the Civil Supersonic Aircraft Development program to the Office of the Secretary; the transfer of the National Highway Safety Bureau from the Federal Highway Administration to an independent operating status within the Department; the consolidation of the public information, congressional relations, and internal auditing functions into the Office of the Secretary; and the establishment of certain new regional offices. In general, the committee has approved the proposed transfers. The committee does not feel, however, that the need for separate extensive regional organizations has been demonstrated, and recommends that the Department undertake a comprehensive review of its regional office requirements.

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Salaries and Expenses

Appropriation, 1970	$11,600,000
Estimate, 1971	19,510,000
Recommended in the bill	17,230,000
Reduction below estimate	−2,280,000

The committee recommends the appropriation of $5,630,000 more than has been provided for fiscal year 1970. The budget proposes an increase of 397 positions under this appropriation and the committee has allowed 232 new positions. These position increases can be divided into two major categories: counterpart transfers and program increases. The counterpart transfers are summarized as follows:

Function	Budget request	Recommended in bill	Reduction
Internal audit	121	121	
Public information	30	20	−10
Congressional relations	14	9	−5
Facilities planning	15	15	
Other	7	7	
Total	187	172	−15

In fiscal year 1970, the committee disallowed the Department's authority to make blanket transfers of personnel into the Office of the Secretary without first presenting and justifying them to the Congress. The Department's fiscal 1971 budget presented such a justification. The rationale for these transfers was thoroughly examined by the committee throughout the hearings and all counterpart transfers have been approved except for 15 positions proposed to be transferred from the Coast Guard for public information and congressional relations. These two functions involve, to some extent, military personnel whom the committee believes properly should be kept under the direct control of the Commandant.

In addition to the counterpart transfers, the committee has approved 60 of the requested 210 new positions for program increases. The new positions allowed are 5 for policy and international affairs, 15 for environment and urban systems, 35 for systems development and technology, and 5 for

the secretarial offices. Of the 35 new positions allowed for the Assistant Secretary for Systems Development and Technology, 5 positions have been approved for the Office of Pipeline Safety and 5 for the Office of Hazardous Materials. No extensions of these offices' field staffs have been allowed.

The 20 positions requested to permit the Department to establish secretarial representation on the regional councils are specifically denied. The Department of Transportation was not included in the original Presidential directive which extended the regional council concept to all 10 standard regions, and the committee does not feel that any significant benefits would result from the Department's participation in this program.

The committee recommends disallowing 165 of the requested positions and reiterates its feeling expressed in the fiscal year 1970 report that the number of personnel in the Office of the Secretary is becoming excessive. Subsequent to the Department's budget presentation to the committee last fall over 80 positions were added to the Office of the Secretary through the working capital fund and advances and reimbursements. No presentation was made to the committee for these consolidations. The committee does not favor this device for increasing personnel and expects that during fiscal year 1971 the total personnel funded under the working capital fund and from advances and reimbursements will not exceed 286, the same level as was authorized in fiscal year 1970.

Transportation Planning, Research, and Development

Appropriation, 1970	$11,000,000
Estimate, 1971	22,000,000
Recommended in the bill	14,500,000
Reduction below estimate	—7,500,000

The sum recommended provides for a $3,500,000 increase for air traffic capacity research and a continuation of other programs at the fiscal year 1970 level.

Of the sum provided, $8 million is for the air traffic capacity program which was initiated in fiscal year 1970. This research is currently directed toward two major areas—full automation of the air traffic control system and techniques for increasing the capacity of major urban airports. The program is longer term in nature than the research being conducted by the Federal Aviation Administration on the implementation of the so-called NAS and ARTS systems. The committee believes that it is entirely proper to strive for a higher order of automation in the air traffic control system.

Other research programs under this appropriation are being held to the fiscal year 1970 level. Almost 2 years ago, in June 1968, the committee directed the Department to report on a number of aspects of its scattered and sometimes overlapping research activities. To date this report has not been received. The committee has made reductions totaling approximately $25 million in the various research program under the Office of the Secretary and in the modal administrations, and emphasizes again the need for the Department to better coordinate and improve the programs in almost all areas of research and technology.

Grants-in-Aid for Natural Gas Pipeline Safety

Appropriation, 1970	0
Estimate, 1971	$1,000,000
Recommended in the bill	0
Reduction below estimate	—1,000,000

The committee has not approved the budget request of $1 million for grants to State agencies to carry out a State natural gas pipeline safety program.

This program would help finance State agencies, including the cost of personnel in these agencies. The committee feels that these are costs which properly should be borne by the States.

Consolidation of Departmental Headquarters

Appropriation, 1970	$4,520,000
Estimate, 1971	4,845,000
Recommended in the bill	4,845,000

The bill includes the full budget request under this appropriation, consisting of $4,250,000 for space rental costs of the new headquarters building located in Southwest Washington, D.C., and $595,000 requested in H. Doc. 91-333 to provide for the leasing by the Government of space in this new building to be used for Department of Transportation employee parking.

In accordance with Bureau of the Budget procedures, the Department must budget for the first full-year rental cost of the new building. Rental charges in subsequent years will be funded by the General Services Administration.

The report on the fiscal year 1970 bill expressed the committee's dissatisfaction with the Department's so-called "parking equalization" plan and requested that the committee be provided with the advice of the Comptroller General on the legality of this plan. On February 9, 1970, the Comptroller General reported that in his judgment the equalization plan was not legal. He also stated that appropriated funds could be used for leasing parking space for Federal employees in the Nassif Building.

The committee has approved the budget amendment to finance employee parking in the Nassif Building, but feels that the failure of the Department and the General Services Administration to inquire about the legality of leasing this employee parking on their own initiative prior to entering the lease contract with the building owner has added considerably to the ultimate cost.

Civil Supersonic Aircraft Development

Appropriation, 1970	$85,000,000
Estimate, 1971	289,965,000
Recommended in the bill	289,965,000

The committee approves the $289,965,000 requested for fiscal year 1971 to continue the development of a supersonic passenger transport aircraft in the United States.

Every year, the funding request for the SST program undergoes considerable scrutiny, both in the executive branch and in the Congress. The SST program has probably received as much attention and examination as any single transportation effort. The culmination of these reviews has always been a decision to move forward. The House of Representatives has strongly supported the program and amendments to delete funds for the SST have lost by wide margins.

The supersonic transport is the next logical step forward in commercial aviation. People have always bought speed in transportation. This was true in the case of subsonic jet aircraft and it will be true in the case of supersonic jet aircraft.

This is the age of the supersonic transport. It is here regardless of the outcome of the American SST program. The British and French, working together, have developed and have flown, and flown supersonically, their supersonic transport called the Concorde. The Soviet Union has likewise developed and flown, and flown supersonically their SST transport, the TU-144. These countries will each have production SST's in service years before an American SST is ready. The longer we delay, the more SST's will be purchased from the British and French and the fewer we will sell.

For years this country has dominated aircraft sales by providing over 80 percent of the total commercial fleet to the free world. If we fail to develop an SST, this will not remain true. We will continue to sell subsonic aircraft, but the leadership role will pass to those who fly the fastest as it always has.

There is continuous concern expressed about the possible adverse effects the SST might have on the environment. These are not new issues and, in fact, the FAA and other Government agencies have studied the potential environmental effects for more than 6 years. These studies have significantly influenced the design of the SST. Smokeless engines, work on improved noise suppression devices, and incorporation of a fixed horizontal stabilizer to provide high lift performance for community noise reduction are examples of this design influence. While not all the specific technical problems have been completely resolved, the committee believes that these problems can be overcome and that the program will be successful.

With the sale of 300 aircraft all of the Government's investment will be returned, and if, as some project, 500 aircraft are sold, the Government will receive over $1 billion more than its investment. On the other hand, to cancel the program at this time would mean the loss of all of the $708 million appropriated to date plus approximately $60 million in termination costs.

There are still those who raise the sonic boom issue. The committee, however, has received strong assurances from the FAA and the Department that the SST will not be permitted to fly at sonic boom producing speeds over populated areas. In April 1970 the Department of Transportation issued a Notice of Proposed Rule Making which prohibits the operation of commercial aircraft within the United States at a speed that would cause a sonic boom to reach the earth's surface.

During the current fiscal year, the SST program was transferred from the FAA to the Office of the Secretary of Transportation, a move with which the committee agrees This transfer will remove the direct responsibility for prototype development away from the administration which is directly responsible for the aircraft's certification, thus eliminating possible concern about FAA conflict of interest.

The committee is concerned, however, about the number of field personnel currently being employed to monitor the prototype construction. During the hearings, it was established that there were presently only two personnel located outside of the Washington headquarters at the airframe manufacturer's plant. The committee feels that this is far from satisfactory, and reaffirms its directive that the Department establish adequate systems of financial and program controls to help prevent further cost overruns during the critical development years.

Coast Guard

Operating expenses

Appropriation, 1970	$386,868,630
Estimate, 1971	426,602,937
Recommended in the bill	423,362,937
Reduction below estimate	—3,240,000

The amount recommended is $36,494,307 more than the appropriations enacted for fiscal year 1970 and is $14,819,307 more than fiscal 1970 appropriations, adjusted to include the pay increases provided for in title II of the Second Supplemental, as passed by the House. The increase recommended is chiefly to improve existing facilities, to operate newly acquired facilities, and to meet workload increases in fields such as recreational boating safety.

The $3,240,000 reduction is based primarily on the impact of the Vietnamization program and a decrease in general support costs. The Commandant testified that subsequent to the preparation of the budget it was decided to turn over the operation of two high endurance cutters to Vietnamese Navy personnel. Assuming turnover by January 1, 1971, this action should save 100 man-years. The committee notes that the budget proposes $106,100,000 for general support costs. This is approximately 25 percent of the Coast Guard's operating expenses budget. The Committee realizes that these costs cover

more than normal administrative support, but feels that some reductions can be made in this area.

The committee recommends restoration of 15 positions under this appropriation for public information and congressional relations functions, the transfer of which to the Office of the Secretary is specifically not approved. Public information in all the Armed Services is an absolute prerequisite to successful recruiting, and since the Coast Guard depends on volunteers for all of its personnel, this function is especially critical. Further, due to the high volume of inquiries concerning the thousands of young men in uniform, it is vital that there be a direct and rapid access to the top level of management of all the military services, an access which is provided by full-time staffs in each of the other Armed Services. It is assumed that the Coast Guard will absorb the $230,000 required to fund the 15 restored positions.

Acquisition, Construction, and Improvements

Appropriation, 1970	$67,700,000
Estimate, 1971	100,000,000
Recommended in the bill	90,000,000
Reduction below estimate	—10,000,000

The committee recommends an appropriation of $90 million, an increase of $22,300,000 over the amount provided for fiscal year 1970. At the time of the hearing, the Coast Guard had unobligated funds amounting to approximately $60 million in this appropriation, of which $17 million was estimated to be carried over into fiscal 1971. With the $90 million recommended in this bill, there should be sufficient funds to cover all obligations estimated for fiscal year 1971.

The committee has approved the $59 million requested to construct a new polar icebreaker. This will enable the Coast Guard to initiate its plan to replace its six World War II "wind-class" ships with four new icebreakers.

Retired Pay

Appropriation, 1970	$57,750,000
Estimate, 1971	64,530,000
Recommended in the bill	64,530,000

The committee has provided the full amount requested for retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former lighthouse and lifesaving services, and for payments to survivors pursuant to the retired serviceman's family protection plan. The total average number of personnel on the retired rolls is estimated to be 14,701 in fiscal year 1971 as compared with 13,979 in fiscal year 1970 and 13,394 in fiscal year 1969.

Reserve training

Appropriation, 1970	$25,900,000
Estimate, 1971	10,000,000
Recommended in the bill	17,500,000
Increase above estimate	7,500,000

The budget proposes to phase out the Coast Guard Selected Reserve training program by June 30, 1971. The proposal contemplates that the emergency wartime functions of the Selected Reserve can reasonably be handled by the growing number of regular Coast Guardsmen on the retired rolls and enlistees who are required to serve in a standby status for 2 years after completing 4 years active service. The committee does not concur with this proposal. While there are arguments for the elimination of the Selected Reserve component of the Coast Guard, the committee feels that it has not been demonstrated that his Reserve's basic mobilization requirements, particularly in the field of port security, can satisfactorily be fulfilled as proposed in the budget. There is presently no other Armed Service prepared to meet the port security defense requirement in the early days of a mobilization.

The committee has held intensive hearings on this program and is recommending appropriations for the Coast Guard Reserve that represent an increase of $7,500,000 over the budget estimate and a decrease of $8,400,000 from the fiscal year 1970 appropriation. In so doing, the committee is directing that the number of personnel in the Selected Reserve be reduced to 10,000 by October 1, 1970.

It is understood that the Coast Guard is developing, in line with guidelines set down by the committee last year, a program for the peacetime utilization of the Reserve by the regular Coast Guard during certain national emergencies and natural disasters. A 10,000 man Selected Reserve should enable the Coast Guard to meet its most urgent requirements in protecting the major port areas of the country in the event of a mobilization as well as providing a nucleus for utilization in more immediately productive peacetime programs which supplement the regular Coast Guard.

Research, Development, Test, and Evaluation

Appropriation, 1970	$14,500,000
Estimate, 1971	24,000,000
Recommended in the bill	19,500,000
Reduction below estimate	—4,500,000

The bill includes a $5 million increase over the sum appropriated for fiscal year 1970. Of the total amount recommended, $10 million has been approved for the national data buoy development project. This project involves the development and deployment of improved unmanned ocean data buoys to form a network for the collection of oceanographic and atmospheric data for scientific and operational purposes.

In addition to the increases recommended for the data buoy program, the committee has allowed an increase of $1,500,000 to enable the Coast Guard to continue on-going programs and initiate new research efforts of high priority.

Federal Aviation Administration
Operations

Appropriation, 1970	$767,000,000
Estimate, 1971	923,885,000
Recommended in the bill	923,885,000

The committee recommends the full amount of the budget estimate for the third consecutive year for operations of the Federal Aviation Administration. The sum requested and recommended is $156,885,000 more than the currently enacted fiscal year 1970 appropriations and $98,288,000 more than fiscal 1970 appropriations adjusted to include the pay increase provided for in title II of the Second Supplemental, as passed by the House.

The recommended increase provides for 4,361 new positions, of which 2,265 are air traffic control personnel. Including this increase, the Congress will have provided 9,496 new air traffic control personnel since the Department of Transportation was established. This represents a virtual doubling of the controller work force. The committee is well aware of the fact that the rapid increase in air travel has placed an increased workload upon the Federal Aviation Administration, and feels that it is vital that FAA be provided with the personnel and funds needed to maintain the highest possible degree of safety in the air. There should be no compromise with the safety of the passengers and crews in American aircraft.

The committee is seriously concerned about the problems FAA has had with some of its air traffic controllers. A number of these problem areas were addressed in the recent Corson Committee report which was submitted to the Secretary in January, 1970. The Administrator testified that he has established nine different action groups and has already begun implementation of some of the Corson Committee's recommendations. The committee applaudes the Administrator for taking this step and expects to be fully advised on the progress of this implementation.

It is evident, however, that these employee-management problems stem in part from matters outside the control of the FAA. The rapid growth of air travel of all kinds during the decade of the 1960's has created a situation of excess congestion in certain areas of the Nation. The additional personnel funded in the past 3 years are just beginning to help meet this problem and the committee feels that additional steps must be taken to alleviate the present congestion.

The hearings clearly brought out the fact that the problems of safely controlling air traffic are caused in large measure by the peaking of traffic during the prime travel hours in the morning and evening. Staffing levels in control centers and towers are to a large extent governed by these peak traffic demands. It is these demands which are the basis for adding thousands of controller personnel over the past several years. It is this peaking phenomenon also which is one of the major causes of stress on controllers. The committee believes that the increasing concentration of traffic at these peak hours is a result in part of unrealistic scheduling of flights by the airlines. At some airports, for example, large numbers of departures and arrivals are scheduled at the same time. The committee believes that this practice is a root cause of many of the problems in air traffic control. It requires unnecessarily large numbers of controllers, is unrealistic, and adversely affects the safety of the airways system. Accordingly, the committee requests that the Department, in close collaboration with the CAB, undertake a thorough study of this problem, and report its findings, conclusions, and recommendations to the committee no later than February 1, 1971.

Facilities and Equipment

Appropriation, 1970	$224,000,000
Estimate, 1971	190,000,000
Recommended in the bill	190,000,000

The committee has provided the full amount requested in the budget for the facilities and equipment required to help meet the growing air traffic congestion and aviation safety problems. This is $34 million less than fiscal year 1970 appropriations. However, $90 million of the sum provided in fiscal year 1970 was frozen by the Bureau of the Budget pending enactment of the user charge legislation. That legislation has recently been cleared by the Congress.

The request for 135 additional positions is denied. There are currently 1,243 authorized positions under this appropriation and the committee feels that installation of equipment can be provided for in the procurement contract, thereby eliminating the need for additional personnel.

Research and Development

Appropriation, 1970	$41,000,000
Estimate, 1971	47,500,000
Recommended in the bill	45,000,000
Reduction below estimate	—2,500,000

The accompanying bill includes $45 million for research and development for the Federal Aviation Administration. The additional $4 million provided over fiscal year 1970 should enable the FAA to proceed with its major research efforts in the fields of air traffic control, navigation, aviation weather, aircraft safety, and aviation medicine.

Last year the committee requested that detailed information in support of personnel requirements be included in the fiscal year 1971 justifications. The information was not included, but was subsequently made available to the committee. It is expected that future justifications will contain detailed information on personnel requirements for both the research and development and the facilities and equipment appropriations.

Operation and Maintenance, National Capital Airports

Appropriation, 1970	$9,650,000
Estimate, 1971	10,600,000
Recommended in the bill	10,500,000
Reduction below estimate	—100,000

The funds included in the bill for the operation and maintenance of Washington National and Dulles International Airports total $10,500,000, an increase of $850,000 over fiscal year 1970. No new personnel are requested or recommended. The increase requested over fiscal 1970 is, for the most part, attributable to annualization costs, funding of existing authorized but unfilled positions, and a number of capital equipment purchases.

As has been true in the past, Washington National Airport is operating at a profit, while Dulles International Airport continues to operate at a deficit which exceeds the profit at Washington National to the extent that there is a projected $2,477,000 net loss for the two airports for fiscal year 1971. Although it is estimated that revenues will exceed operating expenses at both airports, application of interest and depreciation expenses will result in a profit of $2,726,000 at Washington National and a loss of $5,203,000 at Dulles.

Construction, National Capital Airports

Appropriation, 1970	$1,900,000
Estimate 1971	11,000,000
Recommended in the bill	4,000,000
Reduction below estimate	—7,000,000

Under the committee's recommended reduction, the $7 million requested to initiate construction of the expansion of the Dulles Terminal Building would be temporarily deferred. The design contract provided for in fiscal year 1970 has not been awarded. If this contract is awarded and the design work is completed during fiscal 1971, the necessary excavating and grading could be started with existing unobligated funds. At the time of the hearing the Bureau of National Capital Airports had approximately $6.7 million of unobligated construction funds.

The $4 million recommended is $2,100,000 more than the amount appropriated for fiscal year 1970 and includes $2 million for each airport.

Federal Highway Administration

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

	Appropriation	Trust fund
Appropriation, 1970	$1,650,000	($12,627,000)
Estimate, 1971	525,000	(14,956,000)
Recommended in the bill	500,000	(14,721,000)
Reduction below estimate	—25,000	(—235,000)

The budget amendment (H. Doc. 91–333) proposing to separate the National Highway Safety Bureau from the Federal Highway Administration would eliminate this appropriation. Since the committee established this appropriation in fiscal year 1970 to obtain a better oversight of the staff offices of the Administrator, it does not concur with the budget request to eliminate this account. Accordingly, funds budgeted in other appropriations for staff support of the Federal Highway Administrator are transferred to this estimate as follows:

Limitation on general expenses (trust fund)	$14,956,000
Motor Carrier Safety	525,000
Total estimate 1971	15,481,000

The total general and trust funds recommended in the bill amounts to $15,221,000, a reduction of $260,000 below the budget. The reduction is based primarily on the committee's denial of 26 of the requested new positions. This action along with the counterpart transfers to the Office of the Secretary and the transfers to the National Highway Safety Bureau reduces the total number of positions in this office considerably below the fiscal year 1970 level.

Bureau of Public Roads, Limitation on General Expenses

(Transfer from highway trust fund)

Limitation, 1970	($59,121,000)
Estimate, 1971	[1] (77,913,000)
Recommended in the bill	[1] (68,488,000)
Reduction below estimate	(—9,425,000)

[1] Includes $289,000 to be transferred from "State and Community Highway Safety."

The limitation recommended is $9,367,000 above the level enacted for fiscal year 1970 and $6,286,000 more than the fiscal year 1970 limitation adjusted to include the pay increase provided for in title II of the Second Supplemental, as passed by the House. The redutcions below the budget total $9,425,000 and are summarized as follows:

Funds for the comprehensive corridor transportation demonstration program are reduced from $10,000,000 to $5,000,000	—$5,000,000
Contract program in the Office of Planning is held at the 1970 level of $1,000,000	—625,000
Funds for electronic route guidance system research are disallowed	—1,400,000
Funds for 240 of the 290 new positions requested have been denied	—2,000,000
Estimated annualization costs are reduced by $400,000	—400,000
Total reduction	—9,425,000

Under the committee's recommendation, funds provided by the Federal Highway Administration to the comprehensive corridor demonstration program are increased by $4 million over fiscal year 1970. It is expected that the Urban Mass Transportation Administration's efforts also will be conducted at this level. The committee believes that the funds provided will allow this program to proceed at a reasonable rate.

Funds to continue electronic route guidance system research have been specifically denied. Testimony indicated that the total estimated cost for fiscal year 1971 and future years of this research project would be approximately $4 million. With subsequent installation costs for such a system being considerably greater, the committee does not feel that the benefits cited justify continuance of the project.

The committee has denied 240 of the requested 290 new positions. Approximately 70 percent of the Interstate System is completed and open to traffic, and the committee feels that there is little need for a large increase in the Bureau's staff at this time.

Federal-Aid Highways (Trust Fund)

Appropriation, 1970	($4,419,279,000)
Estimate, 1971	(4,360,000,000)
Recommended in the bill	(4,350,340,000)
Reduction below estimate	(—9,660,000)

The accompanying bill includes $68,939,000 less than the amount appropriated for fiscal year 1970. The $9,660,000 reduction below the budget reflects actions recommended by the committee in connection with the Office of the Administrator and Limitation on General Expenses appropriations discussed previously.

No reduction is recommended in the construction program. As a result of voluntary curtailments by the States, obligations for the current fiscal year will be reduced to about $4 billion or approximately $1 billion below the original estimate. The fiscal year 1971 budget estimates reflect this reduction.

During the last calendar year an additional 2,034 miles of the Interstate Highway System were completed and opened to traffic. As of December 31, 1969, about 29,600 miles, or almost 70 percent of the 42,500 mile authorized Interstate System, had been completed and opened to traffic. In addition, there are almost 11,100 miles on which construction, right-of-way acquisition, or preliminary engineering is underway, making a total of roughly 40,700 miles of the Interstate System on which work is either completed or underway.

In the regular Federal-aid primary, secondary, and urban programs an additional 4,550 miles were completed in the first half of fiscal year 1970. As of December 31, 1969, construction projects involving 236,250 miles had been completed at a cost of $20.9 billion. Contracts involving an additional 13,800 miles were authorized or underway.

Right-of-Way Revolving Fund

(Liquidation of contract authorization—trust fund)

Appropriation, 1970	($40,000,000)
Estimate, 1971	(35,000,000)
Recommended in the bill	(35,000,000)

The committee recommends the budget estimate of $35 million for the right-of-way revolving fund. This is $5 million less than the amount appropriated in fiscal year 1970. The program was established to provide a source of funding to permit the acquisition of rights-of-way several years in advance of actual construction to reduce potential inflationary pressures on property costs and permit more adequate comprehensive highway planning.

Highway Beautification

(Liquidation of contract authorization)

Appropriation, 1970	($5,000,000)
Estimate, 1971	(20,000,000)
Recommended in the bill	(16,500,000)
Reduction below estimate	(—3,500,000)

A liquidating cash appropriation of $16,500,000 is recommended for the highway beautification program for fiscal year 1971. Of the sum provided, approximately $11.5 million is applicable to obligations incurred during fiscal year 1970 and $5 million is for fiscal year 1971 obligations.

As in last year's bill, a limitation on obligations is being recommended. The limitation for fiscal year 1971 is $5.5 million, of which $5 million pertains to the contract authorization and $500,000 to administrative expenses. Under existing legislative authority, approximately $8.5 million is available for obligation under contract authority.

Administrative expenses

Appropriation, 1970	$1,100,000
Estimate, 1971	800,000
Recommended in the bill	500,000
Reduction below estimate	—300,000

The bill includes an appropriation of $500,000 for administrative expenses of the highway beautification program, a decrease of $600,000 from the amount provided for fiscal year 1970. The funds recommended should be adequate to administer the presently authorized program.

Motor Carrier Safety

Appropriation, 1970	$2,300,000
Estimate, 1971	4,118,000
Recommended in the bill	3,443,000
Reduction below estimate	—675,000

In providing $1,143,000 more than was appropriated in fiscal year 1970 for the Bureau of Motor Carrier Safety, the committee recommends 12 of the 32 new permanent positions requested and $400,000 of the $800,000 requested to initiate a contract research and development program.

Although the committee generally does not favor initiating new research programs in times of fiscal stringency, it feels that the commercial vehicle and driver regulation areas, to which this effort will be directed, should be given a higher priority than they have been accorded heretofore. The committee expects the Bureau to be able to delineate specific tangible accomplishments resulting from this research.

Forest Highways

(Liquidation of contract authorization)

Appropriation, 1970	($25,000,000)
Estimate, 1971	(20,000,000)
Recommended in the bill	(15,000,000)
Reduction below estimate	(—5,000,000)

The forest highways program utilizes funds from the general funds of the Treasury for the construction and improvement of main highways within or adjacent to national for-

ests. Most of these highways are on the regular Federal-aid highways systems and are eligible for grants under regular Federal-aid highways programs. Although some State contributions are made, the States are not required to participate in the financing of forest highways.

The bill includes a liquidating cash appropriation of $15 million for the forest highways program, a reduction of $10 million from fiscal year 1970. Also included in the accompanying bill is a provision, similar to those included in past years, limiting obligations under this program in fiscal year 1971 to $22,500,000. This is $10,500,000 below the budget estimate and $4,500,000 more than the obligations estimated to be incurred in fiscal year 1970.

Public Lands Highways

(Liquidation of contract authorization)

Appropriation, 1970	($7,000,000)
Estimate, 1971	(15,000,000)
Recommended in the bill	(13,000,000)
Reduction below estimate	(—2,000,000)

A liquidating cash appropriation of $13 million is recommended to finance the construction and improvement of highways through public lands in those States with large areas of such lands. Virtually all of the appropriation is required to liquidate obligations incurred in fiscal years prior to 1971. As is the case with the forest highways programs, the funds for the public lands highways program are appropriated from the general funds of the Treasury under contract authorization provided under the authorizing legislation.

As in past years, the committee has included in the bill a limitation on obligations in fiscal year 1971. The limitation on this program is $10 million, which is $6 million below the budget estimate and $2 million more than the obligations estimated to be incurred in fiscal year 1970.

National highway safety bureau

Traffic and highway safety

Appropriation, 1970	$29,550,000
Estimate, 1971	53,075,000
Recommended in the bill	40,435,000
Reduction below estimate	—12,640,000

The amended budget proposes to transfer the National Highway Safety Bureau from the Federal Highway Administration to an independent operating status within the Department. Under this request the Safety Bureau will fund and staff its own administrative support services which were formerly provided by the Federal Highway Administration, as well as administer the traffic and highway safety programs.

The committee does not object to the removal of the Safety Bureau from the jurisdiction of the Federal Highway Administration. A total appropriation of $43,046,000, including the $40,435,000 under this heading and $2,611,000 to be transferred from "State and Community Highway Safety", is recommended for the operating expenses of the Bureau. This represents a reduction of $12,640,000 from the sum requested in the amended budget.

The Safety Bureau's request included the sum of $40,100,000 for services to be obtained through contracts with other organizations. The committee has approved $29 million for the Bureau's contract program, an increase of $8 million over fiscal year 1970. Testimony indicated that the Bureau intends to emphasize three major programs in fiscal year 1971; alcohol countermeasures, the experimental safety vehicle, and the air bag. With the funds recommended these efforts will be able to proceed at a substantially increased level.

Funds have been approved for 100 of the 254 requested new positions. This will provide a fiscal year 1971 staffing level of 689 positions, including the positions being transferred from the Office of the Administrator, Federal Highway Administration.

The committee has approved the proposed reprograming in fiscal year 1970 of $50,000 for the NATO Committee on the Challenges of Modern Society, and has allowed two of the five new positions requested in the fiscal year 1971 budget for this effort.

State and Community Highway Safety

(Liquidation of Contract authorization)

Appropriation, 1970	($30,000,000)
Estimate, 1971	(61,000,000)
Recommended in the bill	(51,000,000)
Reduction below estimate	(—10,000,000)

A liquidating cash appropriation of $51 million is recommended for the State and Community Highway Safety program for fiscal year 1971. This is $21 million above the amount appropriated for fiscal year 1970. The reduction would eliminate a $10 million contingency reserve requested in the budget for possible increased fiscal year 1971 expenditures.

As has been the case in the past 3 years, the committee has included in the bill a limitation on obligations in fiscal year 1971. The $70 million limitation recommended is the same as the current fiscal year, and is $10 million below the amount estimated to be obligated during fiscal 1971.

The committee is concerned about the lack of State participation in this program. The program was originally presented and justified to the committee as one which stimulate and assist the States to create new traffic safety programs and expand existing programs rather than one under which the Federal Government would share the cost of existing State programs as is presently being done. The Director testified that certain Governors indicated that there are no funds available in the States to create new programs. The committee feels that the fiscal situation is generally no more critical at the State level than in the Federal Government, and believes that the present accident rate on our Nation's highways is a problem of sufficient urgency to warrant support of new programs at every level of government.

Federal Railroad Administration

Office of the Administrator

Salaries and expenses

Appropriation, 1970	$1,050,000
Estimate, 1971	1,600,000
Recommended in the bill	1,395,000
Reduction below estimate	—205,000

The bill includes $345,000 more than the amount appropriated in fiscal year 1970. Twelve of the requested 26 new positions are approved, as are the funds required to support the six positions transferred from the Federal Highway Administration. The committee has denied 14 positions and the proposed increases for contractual services and printing.

While the committee has approved certain increases for this office, it is still not satisfied that there is sufficient authority vested in the Federal Railroad Administration to cope with the many problems currently facing the railroads of America.

Bureau of Railroad Safety

Appropriation, 1970	$4,050,000
Estimate, 1971	4,550,000
Recommended in the bill	4,500,000
Reduction below estimate	—50,000

The sum recommended is $450,000 more than the amount appropriated for fiscal 1970. No additional positions were requested or allowed. Most of the increase is related to annualization and increased travel costs.

High Speed Ground Transportation

Research and Development

Required legislation which would authorize the continuation of this program in fiscal year 1971 has not yet been enacted. Therefore, the committee has deferred consideration of this appropriation at this time. At such time as authorizing legislation is enacted, the estimate will be considered.

The requested fiscal year 1970 reprograming of $1,040,000 from the Autotrain project to begin site preparation at the high speed ground test facility at Pueblo, Colo., is approved.

Railroad research

Appropriation, 1970	$300,000
Estimate, 1971	1,500,000
Recommended in the bill	900,000
Reduction below estimate	—600,000

The committee recommends a $600,000, or 200 percent, increase for this appropriation. The research conducted under this program is directed toward three broad categories: Railroad safety, environment, and national transportation efficiency

Alaska Railroad Revolving Fund

The administration has proposed and there is legislation pending to permit the sale of the Alaska Railroad during fiscal year 1971. No appropriation is requested or recommended. The operation and maintenance program is expected to remain at a level approximating estimated revenues and proposed capital improvements are anticipated to be within the capability of the present force structure. It is estimated that at the end of the budget year there will be an unobligated fund balance of $5,976,000. The committee has included the requested language permitting the Alaska Railroad to be operated from the Alaska Railroad Revolving Fund.

Urban Mass Transportation Administration

Salaries and expenses

Appropriation, 1970	$1,500,000
Estimate, 1971	4,000,000
Recommended in the bill	3,200,000
Reduction below estimate	—800,000

In providing an increase of $1,700,000 over fiscal year 1970, the committee has approved 48 of the 118 additional positions requested. This increase, coupled with the 70 positions provided in fiscal 1970, will give UMTA three times the number of personnel they had two years ago. As the committee stated last year, additional qualified personnel are essential if the urban mass transportation program is going to be effectively administered. However, if too hasty selections of personnel are made without a careful screening to find the best man for the job in each instance, UMTA could quickly find itself burdened with too many mediocre personnel to effectively achieve its programed objectives.

As previously discussed, the committee is recommending that the Department review its field office organization. Pending the completion of this review the committee has not allowed any additional field office personnel for UMTA.

Urban Mass Transportation Fund

No appropriation is requested for this program in the pending budget. In the fiscal year 1970 bill, the Congress appropriated $214 million for Urban Mass Transportation grants for fiscal year 1971. At that time it appeared unlikely that the pending public transportation assistance legislation would be enacted soon enough to provide for the continuity of the program.

This new legislation, which provides 5-year contract authority, currently has passed the Senate, and if enacted, UMTA proposes to obligate up to $850 million during fiscal 1971. As presently envisioned by UMTA these obligations would be incurred prior to any formal presentation to the appropriations committees of the Congress. The committee does not favor the granting of long term contractual authority by substantive legislation and has included a provision limiting commitments in fiscal year 1971 to $214 million. Such a limitation will enable the committee to

consider the relative priority of urban mass transportation grants along with other programs in the budget.

St. Lawrence Seaway Development Corporation

The accompanying bill includes the same language which has been carried previously authorizing the St. Lawrence Seaway Development Corporation to make expenditures within the limits of the funds available to the Corporation to carry out its programs. The language included in the bill is exactly the same language provided last year and requested in the fiscal year 1971 budget.

Under the existing toll system, which extends through the 1970 season, it appears that the Corporation will not be able to amortize its funded debt and related obligations. However, discussions with the Canadian Seaway Authority regarding the level of tolls and other matters affecting the adequacy of income are scheduled to be held before the end of the current year's navigation season.

Limitation on Administration Expenses

St. Lawrence Seaway Development Corporation

Limitation, 1970	($600,000)
Estimate, 1971	(700,000)
Recommended in the bill	(700,000)

The committee recommends an increase in the limitation of $100,000 more than was provided in the fiscal year 1970 bill. This increase is primarily to cover annualization costs and within-grade increases. No additional positions are requested or recommended.

TITLE II—RELATED AGENCIES

National Transportation Safety Board

Salaries and Expenses

Appropriation, 1970	$5,050,000
Estimate, 1971	6,120,000
Recommended in the bill	6,000,000
Reduction below estimate	—120,000

The appropriation recommended by the committee will provide $950,000 more than the $5,050,000 appropriated for the National Transportation Safety Board for fiscal year 1970.

The estimate proposed funding of 10 new positions. The committee has approved the four positions requested for aircraft accident investigation and the two positions requested for surface transportation accident investigation. Specifically denied are one position for program support, three positions for "before-the-fact" aviation accident prevention, and $30,000 for consultant services in connection with aviation accident prevention.

The committee has not allowed any funds for the new "before-the-fact" aviation accident prevention program, since virtually all the operations of the FAA are oriented toward aviation safety and accident prevention. If the Safety Board were permitted to exercise its authorities as broadly as the law might be interpreted, it could duplicate many of the functions of the FAA and other Department of Transportation administrations. The committee believes that the Board can make very effective use of its personnel by generally confining its activities to accident investigation.

Civil Aeronautics Board

Salaries and Expenses

Appropriation, 1970	$10,200,000
Estimate, 1971	11,134,000
Recommended in the bill	11,134,000

The bill includes the full $11,134,000 requested for salaries and expenses of the Civil Aeronautics Board. No new positions were requested and none are recommended. As previously mentioned the committee has directed a joint FAA–CAB study on scheduling with a view towards alleviating some of the present air traffic congestion during the peak hours.

Payments to Air Carriers

Appropriation, 1970	$33,500,000
Estimate, 1971	27,327,000
Recommended in the bill	27,327,000

The committee has approved the budget request of the Civil Aeronautics Board for payments to nine local service and four Alaskan carriers to make air transportation available to certain smaller cities and towns that would not otherwise be served. The amount recommended is $6,173,000 below fiscal year 1970.

At the time of the hearing there were a number of petitions pending before the Board, which, if approved, would require an increase in the fiscal year 1971 subsidy payments.

Interstate Commerce Commission

Salaries and Expenses

Appropriation, 1970	$25,127,000
Estimate, 1971	25,600,000
Recommended in the bill	27,000,000
Increase above estimate	+1,400,000

The committee recommends an appropriation of $27 million for salaries and expenses of the Interstate Commerce Commission. This is a $1,400,000 increase over the budget estimate and a $1,873,000 increase over currently enacted fiscal year 1970 appropriations, but is a $27,000 decrease from fiscal 1970 appropriations adjusted to include the pay increase provided for in title II of the Second Supplemental, as passed by the House.

Of the 182 position decrease proposed in the budget, the Commission indicated that it required reinstatement of 151 positions in order to carry out its basic responsibilities at minimal levels. The committee conducted an in-depth review of the Commission's personnel requirements and is recommending an increase over the budget of 140 positions. This will give the Commission a total of 1,865 permanent positions, or about 200 more than the fiscal year 1971 year end employment ceiling imposed by the Bureau of the Budget. In the judgment of the committee, the ICC requires a significantly larger number of personnel than would be allowed under the Bureau of the Budget ceiling. That ceiling would have required the Commission to operate at its lowest employment since 1963, even though the regulated industry's revenues received and ton-miles of freight transported grew by 50 percent during the same period.

The Commission's ability to carry out its responsibilities assigned by the law is directly related to the number of technical employees available. These personnel provide for the investigation, compliance and prosecution of the economic regulatory functions assigned to the Commission. The committee believes that the Commission's effectiveness in regulating the Nation's surface transportation system would have been severely impaired if the budget cuts proposed had been adopted and the general public would have suffered therefrom.

The committee expects that these personnel additions will be applied to operating program areas rather than in administrative and support functions and looks forward to a more effective and efficient resolution of transportation problems affecting the public.

Washington Metropolitan Area Transit Authority

Federal Contribution

Appropriation, 1970	$43,173,000
Estimate, 1971	[1] 368,039,000
Recommended in the bill	[2] 330,028,000
Reduction below estimate	—38,011,000

[1] Includes $188,011,000 advance funding requested for fiscal year 1972.

[2] Includes an advance appropriation of $150 million for fiscal year 1972.

The committee has approved the full budget request of $180,028,000 for fiscal year 1971 and an advance appropriation for fiscal year 1972 of $150 million for the Federal share of the rapid rail transit system to serve the National Capital area. In view of the recent delays which the system has encountered, the committee believes that the $330,028,000 allowed should provide adequate Federal financing to carry the program through fiscal year 1972.

TITLE III—GENERAL PROVISIONS

Two new general provisions are proposed:

Section 303—places a limitation on commitments for grants-in-aid for airport development of $220,000,000.

Section 308—places a limitation on commitments for urban mass transportation grants of $214,000,000, plus additional amounts appropriated therefor.

Other changes proposed are as follows:

Section 304—limits obligations for "Highway Beautification" to $5,500,000.

Section 306—limits obligations for "Forest Highways" to $22,500,000.

Section 307—limits obligations for "Public Lands Highways" to $10,000,000.

In addition, the section pertaining to FAA lease purchase contracts has been deleted.

Limitations and legislative provisions

The following limitations and legislative provisions not heretofore carried in connection with any appropriation bill are recommended.

On page 4, in connection with Operating Expenses: ": *Provided further*, That not to exceed $100,000 shall be available for expenses, and otherwise provided for, necessary to enable the Coast Guard to discharge its responsibilities in connection with the meeting of the 11th International Lifeboat Conference, including transportation and entertainment of official representatives."

On page 11, in connection with Highway Beautification: ", together with $500,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 6(g) of the Federal-Aid Highway Act of 1968."

On page 13, in connection with State and Community Highway Safety (Liquidation of Contract Authorization): "and not to exceed $289,000 may be advanced to the appropriation 'Federal-Aid Highways (trust fund)' for administration of this program."

On page 18, in connection with Grants-in-Aid for airport development:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $220,000,000 in fiscal year 1971."

On page 19, in connection with Urban Mass Transportation:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $214,000,000 in fiscal year 1971, plus the additional amounts appropriated therefor."

Separate views on the supersonic transport (SST)

I. Introduction

The great naturalist, Charles Darwin, was once a house guest of a friend whose two small boys decided to play a joke on him. They took a centipede and glued to it a beetle's head, a butterfly's wing and a grasshopper's legs. Then, showing it to Darwin, they asked innocently: "Mr. Darwin, what kind of a bug is this?" Darwin looked at it solemnly. "Did it hum when you caught it, boys?" he inquired. Scarcely able to conceal their mirth, the boys replied, "Yes, sir, it did." "That's it!" said Darwin triumphantly, "It's a humbug!"

Some may say the word "humbug" is too strong to apply to the SST, but the fact is that only now is Congress becoming fully

aware of the truth surrounding the SST program.

It now appears that the costs to the Government may escalate to $5 billion (shades of the C5A!) if the contractor cannot obtain financing for production. Compare this with President Kennedy's promise when he approved the program in 1962 that the SST would not cost the Government more than $750 million.

And certainly the plane, if and when built, will not hum. It will roar . . . and such a roar! The eminent physicist, Dr. Richard L. Garwin, a member of the President's Science Advisory Council, told a congressional subcommittee recently that the SST would produce as much noise as fifty 747 "jumbo jets" taking off at once!

Dr. Garwin was not referring to sonic boom. That's another matter and another supersonic handicap. He was talking about engine noise, noise that builds up as engines are gunned for takeoff. The Anglo-French supersonic plane, the Concorde, is just as noisy. There is a good possibility that the harassed, noise-sensitive airport authorities will not permit the ear-splitting supersonics to use their facilities because the angry reaction of the surrounding residents would be immediate and strong.

I have not raised the issue of sonic boom in this report, not because it is not important, but rather because the administration insists there will be no supersonic flights which generate sonic boom over the United States. I am willing to accept that pledge for the time being, even though I am concerned that the pledge may be rescinded if the SST comes into existence. At such time the pressures to permit supersonic flight with sonic boom may become so great as to be irresistible because it is exceedingly doubtful that the SST can achieve economic viability as long as it is required to fly subsonically over populated areas. The American people must not overlook the statement of Major General Jewel E. Maxwell, who was previously the head of the SST program. General Maxwell said:

"We believe that people in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation."

I suspect that in time a huge propaganda campaign will be undertaken to woo the American people with some slogan about "the wonderful world of the SST" and for them to stop worrying and learn to love the boom. But no matter how attractive the sales pitch, or how enticing the advertising, the fact will be that the sonic boom will constitute a major degradation of man's environment and cannot be accepted.

II. The SST Will Contribute Significantly to Pollution of Our Environment

A. Airport noise

A few weeks ago the entire nation observed "Earth Day." Meetings were held all over the country to take stock of the defilement of our environment through the polluting of our lakes and streams, the fouling of the atmosphere and the increasing bedlam of noise dinning our ears. The SST will be an instrument for further deterioration of our environment and it is incredible that the Federal government should be financing its development.

Aviation Week and Space Technology, a respected trade publication which editorially supports the SST, stated in its January 5, 1970 issue:

"The noise-limiting factor in the airplane's introduction will be a sideline noise emanating from the airplane's massive 67,000-pound thrust turbojets. It is a characteristic already accepted in the design of the aircraft. FAA has strong hopes solutions will be found by the time the airplane enters service in 1978. But currently there are no proven technological methods of substantially cutting the noise without severely reducing engine performance."

It is true that the SST will create less community noise along its flight path than present subsonic aircraft. It is less noisy in its approach, too. However, and this is most important, it generates a noise called "sideline noise," which is much greater than any subsonic jet like the 707 or the 747. In terms of the noise limits issued by the FAA, the SST will be three or four times louder than such standards permit. Its sideline noise will be four or five times louder than the 747.

The day is past when we must accept such penalties as the price of "progress." The condition of our environment is in great measure attributable to the unheeding pressure of industrial advances. If Earth Day meant anything, it signifies that the people of this country are determined to assess the impact of scientific advances in terms of their possible degradation of the environment. The SST must be weighed by that standard.

Mr. Russell Train, the Chairman of President Nixon's Council on Environmental Quality, has expressed similar fears before a Senate subcommittee:

"At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. Because of its relatively steep degree of climb, the SST will actually create less community noise in the direction of its flight path than present subsonic jet aircraft. The SST also generates less noise on approach. However, the current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway, called "sideline noise," than that of the conventional subsonic jets. In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting FAA requirements."

Additionally, Dr. Raymond Bisplinghoff, Dean of the MIT School of Engineering and Chairman of the SST Technical Evaluation Committee formed last year by FAA to review the plane, said much the same thing before our committee last year.

"Although the community noise generated by the SST is no greater than contemporary subsonic transport airplanes, the sideline noise is appreciably greater. There is very little prospect of bringing the sideline noise down to subsonic transport levels by any practical methods known at the present time."

And this year, Dr. Garwin told our committee:

"It should be emphasized that at 125 PNdB of airport noise, the SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets satisfying the 108 PNdB subsonic requirement."

In its passage of P.L. 90-411, Congress moved to limit the aircraft noise. Pursuant to the authority granted by law, the FAA has established proposed maximum limits for subsonic aircraft. The limits established for supersonics should be within the same levels, or else communities and air facilities in the United States which have become accustomed to lower noise levels will suffer a very great increase in perceived noise.

The whole purpose of environmental protection is to act before the problem appears. The Department of Transportation seems to be tailoring noise restrictions on the SST according to what can be achieved by the manufacturer rather than what is necessary to protect the public. The inescapable result of such a policy would be further deterioration of the environment.

B. By modifying the world's climate

At first glance the notion that the SST could produce changes in the world's weather seems to be implausible in the extreme. When I first heard several months ago of the concern of meteorologists about the effects of SST flight on the stratosphere I was skeptical. But any doubts I might have had about the reality of their objections were laid to rest by Mr. Russell Train, the Chairman of the President's Council on Environmental Quality.

Mr. Train is extremely well qualified to make an informed judgment about all matters relating to the environment. This is what he says about SST's and the weather.

"I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to natural processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.

"Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2° to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

"Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports."

It makes no sense at all to go ahead with the SST program until we have some way of knowing what its long-range environmental impact will be. We cannot ignore warnings such as that offered by Mr. Train and hope to preserve the environment.

C. The Department of Transportation has not complied with the requirements of the Environmental Policy Act

The Environmental Policy Act of 1969 requires that all agencies of the Federal government include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(1) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Additionally, the law provides that prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

It is inconceivable that the Congress could appropriate another cent, much less $290 million, until the Environmental Policy Act is complied with. The Department of Transportation has had ample time to comply with the provisions of the Act, but has not supplied the information required. Their present plans are to submit their environmental statement "before the end of the calendar year," by which time we will have spent another $290 million on a plane that can only contribute to further deterioration of our environment.

III. The SST has begun to move along the overrun road

The most important new fact is that the SST has experienced a $76 million cost overrun over the last 6 months, $57 million of which must be assumed by the government. In the hearings of the Transportation Subcommittee, James Beggs, Undersecretary of the Department of Transportation, blamed the overrun on Congress and the Bureau of the Budget. His reasoning goes like this, and I quote from our hearings:

"The estimate we gave the committee last year was predicated on a schedule which was given to you at that time.

"Since that testimony was given, the program has slipped. It slipped because, as you know, there was some $11 million taken out of the appropriation last year. This year the Bureau of the Budget cut the projected appropriation which we had for this year of $315 million, back to $290 million. The result of these two actions has been a slip in the program of about four months in the completion of the prototype phase.

"This has meant that necessarily, because we are incurring costs in this period, that those 4 months cost us money. It turns out they cost about $76 million."

The lesson Mr. Beggs would seem to have us draw from the overrun is that Congress had better provide the entire appropriation request every time his department asks for it, or we will end up paying more for the prototype airplane. He would have us believe that overruns are not the responsibility of the contractor or the Department of Transportation, but of the Congress and of the Bureau of the Budget.

Needless to say Mr. Beggs' reasoning overlooks the recent history of overruns in military weapons systems procurement in which Congressional scrutiny and restraint provides virtually the only hedge against cost growth.

This overrun can only be the first example of the results of technical difficulties encountered by the contractor. That it has experienced trouble is indicated by the action of the Department of Transportation in relaxing a number of contract requirements that the Boeing Company has been unable to meet in the original performance specifications of the contract within the cost targets set in the production schedule. Technical problems in development programs such as the SST result in some combination of time stretchouts, degraded performance characteristics and increased costs.

Until now the DOT has chosen to degrade performance characteristics and the primary means of dealing with technical problems. But they cannot realistically degrade the performance of the SST much more without losing what little credibility remains for their aircraft. Since there is no margin left in performance standards and since stretchouts in the program inevitably cut into the projected market future technical problems are likely to cost still more cash.

It is reasonable to expect that this year's overrun is only the first of many which will plague the prototype program should it proceed. It was stated in the subcommittee hearings that $60 million in additional overruns were avoided only by a substantial cut in Boeing's overhead. The cost pressures on the development program are clearly mounting and Mr. Beggs was unable to give any assurance that there will not be further overruns.

IV. The Supersonic Transport Plane Now Envisioned Involves Much Greater Risks and Expenditures for the Government

The original contract for the supersonic transport provided performance requirements which, if met, might have produced a plane with some chance for financial success. It was on that basis that the program was originally approved and funded by the Congress. However, as the development program has progressed and design difficulties have been encountered, performance requirements for the SST have been successively downgraded to the point that the plane now planned for production has virtually no chance for satisfactory commercial operation.

The Department of Transportation has consistently accommodated Boeing's failure to meet technical specifications for the SST by modifying the original contract. The prototypes now planned are inferior in many important respects from the production aircraft first planned, but the Department of Transportation continues to use the original contract provisions in making its optimistic market predictions. In the table which follows, column 1 lists the performance requirements specified in the original contract; column 2 lists the performance expectations of the prototype aircraft:

Characteristics	Original contract (1)	Prototype (2)
Takeoff field length (feet)	6,800+700	10,300
Landing field length (feet)	6,200+600	8,250
Approach speed (knots)	135	158
Lift-off speed (knots)	162	197
Airport noise (PNdB) [1]	116	122-129
Takeoff noise (PNdB)	93	110
Approach noise (PNdB)	109	112

[1] PNdB—Perceived noise decibels.

The greatly extended takeoff field length means that very few airports, either in the United States or abroad, will be able to accommodate the SST, and its economic utility will be greatly diminished. If it is allowed to fly, the SST will require new huge, expensive airports even more remote from communities than those being built today. The federal government will foot a large part of the multibillion dollar bill for the larger airports.

Most aircraft accidents take place on takeoff and landing. The faster takeoff and landing speeds of the present SST configuration significantly increase the risk of a crash. The increased risk of a crash on takeoff and landing, along with the great number of unknowns about supersonic passenger flight generally, combine to make the SST even less attractive as a commercial venture.

The tremendous racket created by the SST engines further compromises the financial prospects of the plane. Unless the United States decides to throw its recently established airport noise standards out the window, the SST will not be able to operate from our airports, thereby eliminating any possibility that the plane could operate at all. Alternatively, if the FAA does renege on its current noise standards, local airports will bar the plane on an individual basis rather than be subjected to its enormous racket. In any case, the airport noise caused by the plane will force it to operate from fields located at a considerable distance from the urban areas the plane is to serve, thereby reducing the time saving which is the SST's sole reason for being.

The prototype plane as it is now envisioned, with its noisy engines, long runway requirements, and design shortcomings, is not the kind of aircraft which will attract private financing. Certainly, it should not attract government financing, either.

Dr. Garwin told our committee he thought "the contract should have been terminated for default before April 15, 1969. . . ."

He explained the changes in SST contract objectives in this way:

"The development contract by Boeing on the basis of the swingwing design and requiring the prototype to be very close to the actual production version as well as to have outstanding takeoff and landing characteristics, has been successively modified to the point at which it is problematical whether the SST will fit on existing airfields, and to a point at which the airport noise is far beyond the maximum considered acceptable for jet aircraft now."

The Department of Transportation has always insisted that government participation in the funding of the SST development program will terminate upon completion of the prototype phase, but they have not produced a single shred of evidence that private financing will be available for the certification and production phases of the program.

The assumption that production of the original aircraft envisioned in the SST contract could be financed with private capital was excessively hopeful. The assumption that the plane now planned can attract private capital is nothing short of preposterous. That the Department of Transportation continues to insist that phases IV and V of the development program will be privately financed is evidence of excessive and misplaced optimism in presenting the SST to the Congress.

Even the Boeing Company is concerned that it may not be able to obtain production money. H. W. Withington, Boeing Vice President and Manager of its SST division, confirmed Boeing's post prototype financial dilemma in his April 29 press conference. According to the *National Journal* for May 2, he is reported to have said:

"But the hard fact is that we've got to pick up $1.5 to $2 billion dollars somewhere to move into the production phase. Since Boeing's net worth is only about $800 million, it is doubtful we could raise that amount by ourselves. I don't rule it out, but under the current situation, it's hard to see how we can get that kind of money up."

Withington said that the financial position of the airlines will be a major factor in financing the production of the SST's. "If they don't get out of the financial bind they are in now," he said, "there is no sense worrying about this program because they won't be able to buy anything."

The Congress must be concerned, therefore, that the nearly $700 million in Federal funds which has already been plowed into the SST program is merely the tip of a multi-million dollar iceberg. The Congress should be aware of possible costs now rather than waiting another 5 years and spending hundreds of millions of dollars. The Department of Transportation still has not required Boeing to fulfill its contractual obligations and provide a credible plan to show

how the certification and production phase will be financed.

Conclusion

It is essential that the Congress act on the basis of the merits of the SST program as it exists at the present time, rather than on the basis of past support or opposition to the plane. It is important that the Congress this year take a new look at the SST with the understanding that the development we are being asked to fund is fundamentally different from the program which was originally proposed and has had congressional support in the past.

It is impossible to look at our nation today and not be deeply troubled by the disaffection of large numbers of our citizens from their government. Millions of Americans today believe that their elected representatives are not listening to them. The SST is a classic case study of why they feel that way.

The Federal government has never before used its funds to develop a commercial plane. This is the first time. Should the taxpayers' money be used to develop and produce a plane aimed at "snob appeal."

This was the phrase used by Chairman Secor Browne of the Civil Aeronautics Board in testimony before our Appropriations Subcommittee. This dialogue appears on page 1149 of our hearings:

"Mr. BROWNE. So if you consider the Concorde as an all first-class airplane, it will not only appeal to the businessman but it will have a distinct snob appeal. Whether we approve of that or not, it is a real economic fact.

"Mr. YATES. Do you think the United States ought to spend $4.5 billion to develop snob appeal in an SST?

"Mr. BROWNE. Because the ladies' garment trade is largely snob appeal, and you get your money back with a return on investment, and since I believe the $4.5 billion will come home with all sorts of benefits which have been expounded to you many times in the way of return on investment, I say, yes, the same as cosmetics or ladies' garments.

"Mr. YATES. You do not find any distinction between ladies' garments and cosmetics and the SST paid for by the Government?

"Mr. BROWNE. We are not paying for it.

"Mr. YATES. We are paying for it in the first instance.

"Mr. BROWNE. I consider it a sound investment."

There is no popular support for the SST. Even the airlines are less than enthusiastic about buying it. Every opinion poll that has ever been taken on the issue indicates that the American people do not want their money spent on a plane that provides so little for so few. For every American who gains a few hours time on a flight to Europe or Asia there will be hundreds more who are disturbed by the racket caused by the SST engines.

The Department of Transportation asks us to accept this kind of unacceptable trade-off as the price of propping up the aerospace industry.

In a budget in which only $106 million is requested for air pollution control $80 million for mass transit and inadequate amounts for health research, hospital modernization, medical education, primary and secondary education, it is shocking that almost $300 million is allocated for the SST this year. It must be remembered, too, that another $225 million must be appropriated next year.

I ask the House to reject the appropriation for the SST and allow the government to get on with the business of serving all its citizens, not just the favored few who should use the plane.

The President has announced that the budget surpluses he had predicted earlier this year for this fiscal year and the next have evaporated and that there will be deficits instead. Ask yourselves: does the SST, at a cost of half a billion dollars over the next two years, deserve top priority at this time?

SIDNEY R. YATES,
FRANK E. EVANS,
DAVID PRYOR,
DAVID R. OBEY,
JOSEPH P. ADDABBO,
DONALD W. RIEGEL, Jr.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES FOR 1971

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompanying bill]

Agency and item	New budget (obligational) authority, 1970	Budget estimate of new (obligational) authority, 1971	Increase (+) or decrease (—)
(1)	(2)	(3)	(4)
Federal Aviation Administration: Grants-in-aid for airports	[1] ($30,000,000)		(—$30,000,000
Federal Highway Administration:			
State and community highway safety (contract authorization)	100,000,000		—100,000,000
Forest highways (contract authorization)	33,000,000		—33,000,000
Public lands highways (contract authorization)	16,000,000		—16,000,000
Urban Mass Transportation Administration:			
Urban mass transportation fund	[1] (175,000,000)	[1] (214,000,000)	(+39,000,000)
Total, permanent new budget (obligational) authority, Federal funds	149,000,000		—149,000,000

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—TRUST FUNDS

Coast Guard: General gift fund (indefinite)	$30,000	$25,000	—$5,000
Federal Highway Administration:			
Federal-aid highways (contract authorization)	5,475,000,000	4,050,000,000	—1,425,000,000
Right-of-way revolving fund (contract authorization)	100,000,000	100,000,000	
International trust funds (indefinite)	3,000,000	4,500,000	+1,500,000
Miscellaneous trust funds (indefinite)	490,000	500,000	+10,000
Total, permanent new budget (obligational) authority, trust funds	5,578,520,000	4,155,025,000	—1,423,495,000

[1] New budget (obligational) authority becoming available under prior appropriation acts, excluded from totals.

Note: Amounts as estimated and shown in the February 1970, budget document. Some items are indefinite in amount, and thus are subject to later reestimation.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

Agency and item	New budget (obligational) authority, fiscal year 1970 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in the bill	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date)	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I					
DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	$11,600,000	[1]$19,510,000	$17,230,000	+$5,630,000	—$2,280,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	+3,500,000	—7,500,000
Grants-in-aid for natural gas pipeline safety		1,000,000			—1,000,000
Consolidation of departmental headquarters	4,520,000	[2]4,845,000	4,845,000	+325,000	
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000	+204,965,000	
Total, Office of the Secretary	112,120,000	337,320,000	326,540,000	+214,420,000	—10,780,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

Agency and item	New budget (obligational) authority, fiscal year 1970 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in the bill	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date)	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—Continued					
DEPARTMENT OF TRANSPORTATION—Continued					
Coast Guard					
Operating expenses	$387,000,000	$426,740,000	$423,500,000	+$36,500,000	−$3,240,000
Appropriation for debt reduction	−131,370	−137,063	−137,063	−5,693	
Subtotal, operating expenses	386,868,630	426,602,937	423,362,937	+36,494,307	−3,240,000
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	+22,300,000	−10,000,000
Retired pay	57,750,000	64,530,000	64,530,000	+6,780,000	
Reserve training	25,900,000	10,000,000	17,500,000	−8,400,000	+7,500,000
Research, development test, and evaluation	14,500,000	24,000,000	19,500,000	+5,000,000	−4,500,000
Total, Coast Guard	552,718,630	625,132,937	614,892,937	+62,174,307	−10,240,000
FEDERAL AVIATION ADMINISTRATION					
Operations	767,000,000	923,885,000	923,885,000	+156,885,000	
Facilities and equipment	224,000,000	190,000,000	190,000,000	−34,000,000	
Research and development	41,000,000	47,500,000	45,000,000	+4,000,000	−$2,500,000
Operation and maintenance, National Capital airports	9,650,000	10,600,000	10,500,000	+850,000	−100,000
Construction, National Capital airports	1,900,000	11,000,000	4,000,000	+2,100,000	−7,000,000
Grants-in-aid for airports	50,000,000		[3]	−50,000,000	
Total, Federal Aviation Administration	1,093,550,000	1,182,985,000	1,173,385,000	+79,835,000	−9,600,000
Federal Highway Administration					
Office of the Administrator, salaries and expenses:					
Appropriation	1,650,000	[4] 525,000	500,000	−1,150,000	−25,000
Trust fund limitation	(12,627,000)	(14,956,000)	(14,721,000)	(+2,094,000)	(−235,000)
Bureau of Public Roads. Limitation on general expenses	(59,121,000)	[5] (77,913,000)	[5] (68,488,000)	(+9,367,000)	(−9,425,000)
Federal-aid highways (trust fund—appropriation to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(−68,939,000)	(−9,660,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(40,000,000)	(35,000,000)	(35,000,000)	(−5,000,000)	
Highway beautification:					
Appropriation	1,100,000	800,000	500,000	−600,000	−300,000
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(+11,500,000)	(−3,500,000)
Limitation on obligations	(16,100,000)	[6] (9,352,000)	(5,500,000)	(−10,600,000)	(−3,852,000)
Motor carrier safety	2,300,000	4,118,000	3,443,000	+1,143,000	−675,000
Forest highways:					
Appropriation to liquidate contract authorization	(25,000,000)	(20,000,000)	(15,000,000)	(−10,000,000)	(−5,000,000)
Limitation on obligations	(18,000,000)	[6] (33,000,000)	(22,500,000)	(+4,500,000)	(−10,500,000)
Public lands highways:					
Appropriation to liquidate contract authorization	(7,000,000)	(15,000,000)	(13,000,000)	(+6,000,000)	(−2,000,000)
Limitation on obligations	(8,000,000)	[6] (16,000,000)	(10,000,000)	(+2,000,000)	(−6,000,000)
Chamizal memorial highway	4,000,000			−4,000,000	
Total, Federal Highway Administration	9,050,000	5,443,000	4,443,000	−4,607,000	−1,000,000
National Highway Safety Bureau					
Traffic and highway safety:					
Appropriation	29,550,000	[7] 53,075,000	40,435,000	+10,885,000	−12,640,000
By transfer	(2,050,000)	(2,611,000)	(2,611,000)	(+561,000)	
State and community highway safety:					
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(+21,000,000)	(−10,000,000)
Limitation on obligations	(70,000,000)	[6] (80,000,000)	(70,000,000)		(−10,000,000)
Total, National Highway Safety Bureau	29,550,000	53,075,000	40,435,000	+10,885,000	−12,640,000
Federal Railroad Administration					
Office of the Administrator, salaries and expenses	1,050,000	1,600,000	1,395,000	+345,000	−205,000
Bureau of Railroad Safety	4,050,000	4,550,000	4,500,000	+450,000	−50,000
High-speed ground transportation research and development	11,000,000	[8] (21,688,000)		−11,000,000	
Railroad research	300,000	1,500,000	900,000	+600,000	−600,000
Total, Federal Railroad Administration	16,400,000	7,650,000	6,795,000	−9,605,000	−855,000
Urban Mass Transportation Administration					
Salaries and expenses	1,500,000	4,000,000	3,200,000	+1,700,000	−800,000
Urban mass transportation fund	[2] 214,000,000		[10]	−214,000,000	
Total, Urban Mass Transportation Administration	215,500,000	4,000,000	3,200,000	−212,300,000	−800,000
St. Lawrence Seaway Development Corporation					
Limitation on administrative expenses	(600,000)	(700,000)	(700,000)	(+100,000)	
Total, title I, Department of Transportation	2,028,888,630	2,215,605,937	2,169,690,937	+140,802,307	−45,915,000
TITLE II					
RELATED AGENCIES					
National Transportation Safety Board					
Salaries and expenses	5,050,000	6,120,000	6,000,000	+950,000	−120,000
Civil Aeronautics Board					
Salaries and expenses	10,200,000	11,134,000	11,134,000	+934,000	
Payments to air carriers	33,500,000	27,327,000	27,327,000	−6,173,000	
Total, Civil Aeronautics Board	43,700,000	38,461,000	38,461,000	−5,239,000	
Interstate Commerce Commission					
Salaries and expenses	25,127,000	25,600,000	27,000,000	+1,873,000	+1,400,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority, fiscal year 1970 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in the bill	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date)	Bill compared with— Budget estimates of new (obligational) authority fiscal year 1971
(1)	(2)	(3)	(4)	(5)	(6)
Washington Metropolitan Area Transit Authority					
Federal contribution	$43,173,000	[11] $368,039,000	[12] $330,028,000	+$286,855,000	−$38,011,000
Total, title II, related agencies	117,050,000	438,220,000	401,489,000	+284,439,000	−36,731,000
Total, titles I and II, new budget (obligational) authority	2,145,938,630	2,653,825,937	2,571,179,937	+425,241,307	−82,646,000
Consisting of—					
Appropriations:					
Fiscal year 1970	(1,931,938,630)			(−1,931,938,630)	
Fiscal year 1971	(214,000,000)	(2,465,814,937)	(2,421,179,937)	(+2,207,179,937)	(−44,635,000)
Fiscal year 1972		(188,011,000)	(150,000,000)	(+150,000,000)	(−38,011,000)
Memoranda:					
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(−45,439,000)	(−30,160,000)
Appropriations for debt reduction	(131,370)	(137,063)	(137,063)	(+5,693)	
Grand total	(6,672,349,000)	(7,164,963,000)	(7,052,157,000)	(+379,808,000)	(−112,806,000)

[1] Reflects a decrease of $610,000 submitted in H. Doc. 91–333.
[2] Includes $595,000 contained in H. Doc. 91–333.
[3] Limitation on obligations of $220,000,000 is recommended.
[4] Reflects a decrease of $2,225,000 which was considered under "Traffic and Highway Safety."
[5] Includes $289,000 by transfer from "State and Community Highway Safety."
[6] No limitation proposed.
[7] Includes $2,225,000 transferred from "Office of the Administrator, salaries and expenses."
[8] Amount not considered due to lack of legislative authorization.
[9] Advance funding for fiscal year 1971.
[10] Limitation on obligations of $214,000,000 is recommended.
[11] Includes $188,011,000 advance appropriation requested for fiscal year 1972.
[12] Includes $150,000,000 advance appropriation for fiscal year 1972.

[From H. Rept. No. 91–1730]

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND OTHER AGENCIES, 1971—CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 15, 35, 37, 39, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 11, 13, 27, and 31, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$17,535,000*; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$500,000*; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $210,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$94,000,000*; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$22,500,000*; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$13,000,000*; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$20,000,000*; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$512,500*; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$14,773,500*; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$69,460,500;* and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$4,351,365,000*; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$2,445,785,950*; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$3,580,500*; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter striken and inserted by said amendment, restore the matter stricken, amended to read as follows: *$17,500,000, a part of the amount authorized to be appropriated for the fiscal year 1969*; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, restore the matter stricken, amended to read as follows: *$14,000,000 a part of the amount authorized to be appropriated for the fiscal year 1969*; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$42,935,000*; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$18,000,000*; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$950,000*; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$3,325,000*; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$6,000,000*; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$50,000,000*; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $250,000,000 in fiscal year 1971.

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $8,500,000 for "Highway Beautification" in fiscal year 1971, plus the additional amounts appropriated therefor.

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$75,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$27,750,000;* and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$13,000,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $600,000,000 in fiscal year 1971.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 12, 14, 32, 44, and 45.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES
(except as to amendment No. 4),
TOM STEED,
GEORGE H. MAHON,
SILVIO O. CONTE
(except to amendment No. 4),
WILLIAM E. MINSHALL
(except to amendment No. 4),
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

JOHN C. STENNIS,
WARREN G. MAGNUSON,
JOHN O. PASTORE
(excepting that I am opposed to the SST item),
ALAN BIBLE,
CLIFFORD P. CASE
(except to amendment No. 4),
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Amendment No. 1: Appropriates $17,535,000 for salaries and expenses instead of $17,230,000 as proposed by the House and $17,840,000 as proposed by the Senate.

Amendment No. 2: Deletes language proposed by the Senate.

The conferees are in agreement that the funds provided shall also be available for research into the meteorological and environmental effects of aircraft flight in the atmosphere.

Amendment No. 3: Appropriates $500,000 for grants-in-aid for natural gas pipeline safety instead of $1,000,000 as proposed by the Senate.

Amendment No. 4: Appropriates $210,000,000 for civil supersonic aircraft development instead of $289,965,000 as proposed by the House.

The committee of conference is recommending $210,000,000 for continuing the development of the SST at the current or most economical rate, pending further review in the next session of Congress.

Coast Guard

Amendment No. 5: Deletes language as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the appropriation for operating expenses available for certain confidential investigative expenses.

Amendment No. 7: Appropriates $94,000,000 for acquisition, construction, and improvements instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 8: Appropriates $22,500,000 for research, development, test, and evaluation instead of $19,500,000 as proposed by the House and $23,000,000 as proposed by the Senate.

Amendment No. 9: Inserts language proposed by the Senate and earmarks $13,000,000 for the national buoy development project instead of $13,500,000 as proposed by the Senate.

Amendment No. 10: Appropriates $20,000,000 for the oil pollution fund instead of $35,000,000 as proposed by the Senate.

Federal Aviation Administration

Amendment No. 11: Deletes reference to Federal Airport Act and inserts in lieu thereof Public Law 91-258 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the funds provided available for arms and ammunition.

Amendment No. 13: Appropriates $951,885,000 for operations as proposed by the Senate instead of $923,885,000 as proposed by the House.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $28,000,000 of the appropriation for operations shall be derived from the Airport and Airway Trust Fund for combating highjacking, sabotage and other activities endangering the security of civil aviation.

Amendment No. 15: Appropriates $45,000,000 for research and development as proposed by the House instead of $47,500,000 as proposed by the Senate.

Federal highway administration

Amendment No. 16: Appropriates $512,500 for the office of the Administrator, salaries and expenses, instead of $500,000 as proposed by the House and $526,000 as proposed by the Senate.

Amendment No. 17: Provides transfer of $14,773,500 from the appropriation for "Federal-aid highways (trust fund)" instead of $14,721,000 as proposed by the House and $14,826,000 as proposed by the Senate.

Amendment No. 18: Provides $69,460,500 for Bureau of Public Roads, limitation on general expenses, instead of $68,488,000 as proposed by the House and $70,433,000 as proposed by the Senate.

Amendments Nos. 19 and 20: Appropriates $4,351,365,000 for Federal-aid highways (trust fund) instead of $4,350,340,000 as proposed by the House and $4,352,390,000 as proposed by the Senate, and provide that $2,445,785,950 shall be derived from the fiscal year 1970 authorization instead of $2,444,760,950 as proposed by the House and $2,446,810,950 as proposed by the Senate.

Amendment No. 21: Appropriates $3,580,500 for motor carrier safety instead of $3,443,000 as proposed by the House and $3,718,000 as proposed by the Senate.

Amendment No. 22: Appropriates $17,500,000 for forest highways (liquidation of contract authorization) instead of $15,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 23: Appropriates $14,000,000 for public lands highways (liquidation of contract authorization) instead of $13,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

National Highway Safety Bureau

Amendment No. 24: Appropriates $42,935,000 for traffic and highway safety instead of $40,435,000 as proposed by the House and $47,601,000 as proposed by the Senate.

Federal Railroad Administration

Amendment No. 25: Appropriates $18,000,000 for high-speed ground transportation research and development instead of $21,688,000 as proposed by the Senate.

No part of the reduction is to be applied to the Office's demonstration programs.

Amendment No. 26: Appropriates $950,000 for railroad research instead of $900,000 as proposed by the House and $1,005,000 as proposed by the Senate.

Amendment No. 27: Inserts language proposed by the Senate earmarking not less than $230,000 for freight car utilization studies.

Urban Mass Transportation Administration

Amendment No. 28: Appropriates $3,325,000 for salaries and expenses instead of $3,200,000 as proposed by the House and $3,450,000 as proposed by the Senate. The conference agreement includes 21 positions in addition to those provided by the House.

Amendment No. 29: Appropriates $6,000,-

000 for research, development, and demonstration instead of $20,000,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

Civil Aeronautics Board

Amendment No. 30: Appropriates $50,000,000 for payments to air carriers instead of $27,327,000 as proposed by the House and $58,300,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 31: Inserts language proposed by the Senate earmarking $300,000 additional for the employment of car service agents.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment appropriating $3,216,668 (together with such amounts as may be necessary to pay interest) for payment of loan guaranties.

TITLE III—GENERAL PROVISIONS

Amendment No. 33: Restores House provision and limits commitments for grants-in-aid for airport development to $250,000,000 instead of $220,000,000 as proposed by the House.

Amendment No. 34: Restores House provision and limits obligations for highway beautification to $8,500,000, plus the additional amounts appropriated therefor instead of $5,500,000 as proposed by the House.

Under the conference agreement virtually all currently authorized obligational authority will have been provided. When an additional authorization is enacted, the Committees on Appropriations will consider any formal supplemental request for this program.

Amendment No. 35: Restores section number as proposed by the House.

Amendment No. 36: Limits obligations for State and community highway safety to $75,000,000 instead of $70,000,000 as proposed by the House and $80,000,000 as proposed by the Senate.

Amendment No. 37: Restores section number as proposed by the House.

Amendment No. 38: Limits obligations for Forest highways to $27,750,000 instead of $22,500,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Amendment No. 39: Restores section number as proposed by the House.

Amendment No. 40: Limits obligations for Public lands highways to $13,000,000 instead of $10,000,000 as proposed by the House and $16,000,000 as proposed by the Senate.

Amendment No. 41: Restores the language proposed by the House placing a limitation on administrative expenses in connection with commitments for grants for Urban Mass Transportation, amended to provide for grants aggregating not more than $600,000,000 instead of $214,000,000 (plus the additional amounts appropriated therefor) as proposed by the House and no limitation as proposed by the Senate.

The conferees agree with the overall objectives of the program, but are of the opinion that the requirements of the UMTA program should be subject to annual appropriations review.

made over only the last half of the current

The additional amount provided over the House bill is considered to be realistic at this time inasmuch as the obligations will be fiscal year. Program levels for future years, within the total authorized, will then be determined as the program progresses on the basis of demonstrated requirements.

Amendments Nos. 42 and 43: Restore section numbers as proposed by the House.

Amendments Nos. 44 and 45: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur with the Senate amendments which provide amended language pro-

hibiting any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: Provided, That nothing in the section shall affect the availability of such funds to carry out this study.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and the Senate bills follows:

New budget (obligational) authority, fiscal year 1970	[1] $2,346,365,423
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	[2] 2,741,827,437
House bill, fiscal year 1971	[3] 2,579,579,937
Senate bill, fiscal year 1971	[3] 2,453,923,605
Conference agreement	[3 4] 2,608,134,605
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1970	+261,769,182
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	[5] —133,692,832
House bill, fiscal year 1971	+28,554,668
Senate bill, fiscal year 1971	+154,211,000

[1] Includes all appropriations for fiscal year 1970 and a $214,000,000 advance appropriation for fiscal year 1971.

[2] Includes $188,011,000 advance appropriation for fiscal year 1972.

[3] Includes $150,000,000 advance appropriation for fiscal year 1972.

[4] Includes $3,216,668 reported in technical disagreement.

[5] Includes $38,011,000 related to fiscal year 1972 budget estimate.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES
(except as to amendment No. 4),
TOM STEED,
GEORGE MAHON
(except as to amendment No. 4)
SILVIO O. CONTE,
WILLIAM E. MINSHALL
(except as to amendment No. 4)
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., December 16, 1970.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: This is in response to your inquiry concerning the possible effects on the Department of Transportation if no 1971 appropriations were made for the Department in this session of Congress. A preliminary review by Department staff indicates that most of our major programs would cease to operate at the end of the last day that the Congress is in session. Examples of the effects follow.

There would be no funds for the operation and maintenance of the air traffic control system. Under such circumstances, it can be expected that commercial airline and general aviation flights, for the most part, would cease because of the high safety risk exposure that would result from the close down of the air traffic control system. Assuming Congressional adjournment before Christmas, thousands of traveller would be stranded over the holidays.

The operations of the Coast Guard would cease. Search and rescue missions no longer would be performed. Marine law enforcement and maritime safety activities would come to an end.

Work would stop on a number of highway safety activities causing a halt to much of the progressive work that has resulted in a significant decrease in the rate of automobile fatalities for the first time in 12 years.

The Federal Railroad Administration's safety activities would cease with a potential increase in the railroad hazard and accident risk due to the nonenforcement of Federal safety regulations. A similar situation would occur in the Federal motor carrier (truck and busses) safety standards activities of the Federal Highway Administration.

The Department of Transportation will cease to operate as a Department since funds for the Office of the Secretary and related activities no longer would be available. Departmentwide cessation of activities due to the non-availability of funds would affect approximately 100,000 employees.

If there is any additional information needed in this regard, please contact us.

Sincerely,

JOHN VOLPE.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EMPLOYMENT AND MANPOWER ACT OF 1970—VETO MESSAGE

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate a message from the President of the United States, returning, without his approval, the Employment and Manpower Act of 1970, which is as follows:

To the Senate of the United States:

It is with reluctance that I return to the Congress without my approval the Employment and Manpower Act of 1970. Despite concerted efforts made by the administration to achieve constructive legislation, the bill sent to me for signature does not achieve the reforms necessary to establish a manpower program that will serve the needs of the nation or the individual job seeker. I cannot accept this legislation which only perpetuates and extends the deficiencies in our manpower programs.

This Administration sent a manpower reform proposal to the Congress in August of 1969. That bill would have pulled together the present unrelated narrowly targeted manpower training programs and would have made it possible for State and local governments to develop comprehensive programs that are closely adjusted to the needs of local communities and the individual worker. It would have reformed the present program structure which has proven to be

almost impossible for communities to understand or to administer effectively.

The House of Representatives passed a bill which adopted many of the structural reform features I felt to be essential. It would have permitted the flexible use of manpower funds in the light of local requirements. It would have afforded the cities and States a responsible role in the planning and administration of manpower programs. In addition, the House-passed bill provided for transitional public employment that would be linked to training and other efforts to expand job opportunities in the labor market at large. Despite reservations about some of the House's bill provisions, this administration endorsed it, and I would have signed it.

The Senate adopted a bill which we found completely unacceptable because it ignored the lessons of the last decade and would create a national manpower program that would relegate large numbers of workers to permanent, subsidized employment. Such a program would limit, not expand individual opportunity. The administration vigorously expressed its view on the Senate bill on several occasions. The outcome of the Conference—unfortunately for the Nation—reflects what one leading House conferee has called "a near abandonment of the House-approved bill and a complete abandonment of crucial principles relating to the public service employment provisions."

The Conference bill provides that as much as 44 percent of the total funding in the bill go for dead-end jobs in the public sector. Moreover, there is no requirement that these public sector jobs be linked to training or the prospect of other employment opportunities. W.P.A.-type jobs are not the answer for the men and women who have them, for Government which is less efficient as a result, or for the taxpayers who must foot the bill. Such a program represents a reversion to the remedies that were tried 35 years ago. Surely it is an inappropriate and ineffective response to the problems of the seventies.

The Conference bill raises the number of narrow purpose program categories from 14 to 22, whereas the administration's proposal would have established a single, broadly defined manpower program. These narrow categorical programs would continue to hamstring the efforts of communities to adjust to change in their local needs. In dealing with manpower problems, the Federal Government should help, but it should not always prescribe.

I said at my news conference last week that I believe our economic policies are working. Inflation is receding. The economy is moving up. I am not satisfied with the present overall unemployment rate, (5.8 percent) even though the unemployment rate for the heads of families is much lower (3 percent). The Administration is taking measures to expand economic activity and job opportunities. Our main objective is to achieve a stable growth while actively reducing unemployment.

Transitional and short-term public service employment can be a useful component of the nation's manpower policies. This administration agreed to such a program provision in the House-passed bill and, in fact, this Administration has initiated a similar public service careers program under existing law. But public employment that is not linked to real jobs, or which does not try to equip the individual for changes in the labor market, is not a solution. I cannot accept a bill which so fully embraces this self-defeating concept.

The manpower reform bill which this administration sent to the Congress is one of three key parts in a program of fundamental reform. The other aspects are revenue sharing and reform of the welfare system. To date the Congress has completed action on only the manpower part of that program, and has done so in a way that will only make the situation worse.

Today, I reaffirm my administration's intention to continue pressing with all the resources at our command for all aspects of the reform program we have proposed—the Family Assistance Plan, revenue sharing and sound manpower reform. The next opportunity for action on this program will come very soon in the Senate, in the vote on the Family Assistance Plan. Once again, I urge the Senate to approve without further delay this long overdue reform.

RICHARD NIXON.

THE WHITE HOUSE, *December 16, 1970.*

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MAGNUSON. Mr. President, this will take only a moment.

Opponents of the SST have suggested that a continuing resolution might be passed without funds for the SST. This theoretically simple action, however, faces exactly the same legislative problems as the pending DOT appropriation bill has faced. First, a continuing resolution must be introduced in the House—we cannot introduce it—reported by the House Appropriations Committee, and passed on the floor. Second, the Senate must receive the House-passed bill, refer it to the Appropriations Committee, and get it reported and passed. Assuming that the House bill provided funds for the SST on a continuing resolution while the Senate version after floor action did not, then the House and Senate would face another conference on the SST issue. It is obvious that nothing can be gained by this approach, particularly when the pending DOT appropriations conference report can be voted upon and we can achieve exactly the same result.

So we are just marching up the hill and down again. In the meantime all these things involved in the bill are left pending. This item is only 3 percent of the funds in the bill and one-eighth of 1 percent of the total budget.

I am hopeful, therefore, that the Senate will have an opportunity to vote on the DOT appropriation conference report in the next few days.

Now, Mr. President, I have one additional thought. When the proposal was made this afternoon to have the split session, such as we had before the recess, I thought seriously about the effect of that schedule on the DOT appropriation. I am sure the Senator from Nevada did also, as well as the Senator from Mississippi and my colleague from Washington. I did not object because I would like to have a vote not only on this appropriation, but on all bills pending before the Senate. I am sincerely asking and the committee is sincerely asking that these important matters be allowed to be brought up. We can do that. This procedure has worked in the past and I think there are several conference reports, that even if we were not having this filibuster would have to be voted upon and the Senator from Wisconsin and I would have said, "Yes, we agree to set aside the DOT bill." I refer to such items as the one-bank holding bill which everyone has spent much time on.

Then, we have the Department of Defense appropriation bill. If we should hold that up soldiers in Vietnam would not be paid—the men fighting in Vietnam would not be paid.

I think we should vote on this bill and I am not embarrassed to talk about it. As I said on many, many occasions I did not start the supersonic transport. Part of it happened to end up being built in Seattle, Wash., after a competition. And it should be mentioned that that part of the contract is the smallest part. GE has 50 percent, and over 50 percent of the airframe is with Boeing but 80 percent of that is farmed out to subcontractors in other States.

I think we need the SST and, as I have said on many other occasions, and wherever it is built we still need it. I did want the Senate to know what they would have to do if we had to pass a continuing resolution. We would be just marching up the hill and down again.

We have funds for the Coast Guard in this bill. They would not be paid. We have all the highway funds and all the funds for air controllers. That is over a half-billion dollars. Air safety is involved. All these things are involved.

We had a conference. We had our arguments. Let us now vote it up or down, one way or the other. I think the Senate is entitled to that kind of vote. Whether I was here or was not or whether the SST was being built in Timbuctu or some other place, let us vote the matter up or down. The country is entitled to that.

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

Mr. BIBLE. Mr. President, I yield to the Senator from California.

Mr. MURPHY. I shall only require 2 minutes.

Mr. BIBLE. We will have lots of time. I suggest the Senator take all the time he needs.

Mr. MURPHY. Mr. President, as the

distinguished Senator knows, I have a great interest in this matter. A great share of the building of the SST will be in the State of California. Quite a sizable amount of the work will be performed there. Three companies will be involved, three important companies, and lots of jobs will be involved. We have a high rate of unemployment.

Mr. BIBLE. Mr. President, I appreciate the strong support of the Senator from California. I want to yield to the Senator from Washington. I yield the floor so that he may speak in his own right. The Senator from Wisconsin wants to be recognized in his own right next. I have said fine.

Mr. JACKSON. Mr. President, I wish to associate myself with the statements of our colleagues in praise of the outstanding work by the distinguished acting chairman of the subcommittee, the Senator from Nevada (Mr. BIBLE) in handling this appropriation bill.

I also express my appreciation for the fine way in which the distinguished Senator from Mississippi (Mr. STENNIS) participated in this effort.

Mr. President, in connection with the SST debate there has been a great deal of discussion about the environment. There are a lot of "new" environmentalists in the Senate, but I want to say that the distinguished Senator from Nevada has been working in the environmental conservation vinyards for years and years and years. Years ago he kindly undertook the responsibility to serve as chairman of the Subcommittee on Parks and Recreation of the Interior Committee. Under his leadership, there was shepherded through the Senate such landmark legislation as the Redwoods National Park, an historic move in the conservation field. He handled the North Cascades National Park legislation and a long list of park and recreational undertakings that have meant much to him and to the Nation.

The man who chaired this appropriations subcommittee, dealing with difficult problems of environmental considerations, was, fortunately, one who is very knowledgeable in the environmental field.

I get a little disturbed about these people who suddenly have discovered the environment and who suddenly get the idea that they have a monopoly on some of these considerations. The Senator from Nevada is a quiet, effective U.S. Senator, and he knows an environmental issue when he is confronted with one, and he knows a conservation issue when he is confronted with one. I can say that over the years in which I have served in the U.S. Senate, 18 years now, he has acted wisely and in the best interests of the Nation on matters pertaining to conservation and the environment. I am very pleased with the way in which he handled this bill and the way in which he has handled other measures in the Senate dealing with difficult decisions that must be made in connection with the conflicts that occur between the environment and other considerations. The Senator from Nevada understands the need for a balance in resolving these conflicts, which are ever before us.

So I just want to add my word of praise for the fine way in which he has handled the bill.

May I say that the ranking Republican member of the subcommittee, the able Senator from New Jersey (Mr. CASE), is always a fairminded Senator. He is the kind of Senator with whom one can disagree without being disagreeable about it. I think that is a test for most Senators. While we do not agree on this issue, we usually agree on most others, and I would say the Senator from New Jersey has been most judicial in his handling of this vexatious problem—which is indeed vexatious as we get into the Christmas week and still find ourselves discussing it.

Mr. President, I strongly urge Senate adoption of the conference report on the Department of Transportation appropriation bill. The conferees worked diligently and have, in my view, arrived at a compromise which is in the best interests of all concerned. The conference committee's recommendation of $210 million for continued development of the civil supersonic transport prototype program is a reduction of $80 million from the House-passed bill which approved the President's full budget request of $290 million. The committee's recommendation adds $210 million to the Senate passed bill which did not contain funds for the program. The conference report represents a fair compromise between the differing positions taken by the Senate and the House on this matter. It results in a stretchout of the program, but it does not irrevocably terminate the program.

The conferees very carefully considered the costs of termination in arriving at their recommendation. Every Senator should also consider these costs. Adoption of the Senate position and terminating the program would have meant writing off an investment of over $708 million of Federal funds which have already been committed to the prototype program. In addition, adoption of the Senate position would require payment of termination costs of $92 million to the contractors; $22.4 million of airline advance royalties would have to be returned; and the Government would be under a moral obligation to return $58.5 million which was contributed toward the prototype program by the airlines. $105.1 million has already been obligated this fiscal year under the continuing resolution authority and this money would have to be appropriated. Altogether, termination of the program could require the the immediate appropriation of $277.8 million.

Proceeding with the program as proposed by the conference committee will, on the other hand, require an appropriation of $210 million.

The purpose of a conference committee is, of course, to arrive at a fair and reasonable compromise on items in dispute. This procedure is essential to the legislative process and to the democratic process. A majority of the Members of the House of Representatives felt very strongly that the full budget request should have been recommended by the conference committee. In the interests of seeing the appropriation bill move forward, however, the House accepted the conferees' recommendation of $210 million by a vote of 319 to 71.

It is my hope that the Senate will adopt the report. It is in no one's interest to further delay action on this measure.

U.S. AVIATION LEADERSHIP AND FEDERAL PARTICIPATION

Mr. President, the growth of American preeminence in civil aviation has been a history of research and development, and the technological initiative of private enterprise backed, where appropriate, by Government support. Without Federal participation the United States would never have attained the dominant position U.S. airlines hold today in global air transport. Without the solid base of Government-sustained military aeronautical research and development, it is certain that America's pacesetting civil airliners—from the DC-4 to the 747—could never have been launched.

As a result of this unique and productive Government-private enterprise partnership, the U.S. aviation industry has achieved a position of world superiority. U.S.-built aircraft comprise 85 percent of the free world air fleet; U.S. manufacturers account for 90 percent of the world's civil aircraft sales dollars.

To deliberately turn aside from the next step forward in speed—supersonic air transportation—would mark the first backward step for the United States in 50 years of aviation development. To take that step would be to choose to conceed, first, that the United States no longer desires to maintain leadership in a field long vital to our economic interests; and, second, that this Nation—with all its resources and resourcefulness—cannot cope with technical challenges and carry out environmental research at the same time. Such concessions are unnecessary. No research and development program is ever undertaken with all of the questions answered, with all doubts resolved. That has always been true in the past. If concern and apprehension is to deter or defeat the program to bring about two civil supersonic transports that are compatible with America's standards for excellence—standards which include respect for the environment—then the willingness of the Nation to pioneer and to persevere, in the face of challenges and obstacles, must be faltering.

Commercial supersonic flight is the next horizon in aviation. There are technical obstacles to be overcome, but we have already traveled well over half the distance. To turn aside now would be to forfeit not only the prize in sight, but the efforts and investments—over $800 million—of a nine-year venture as well.

President Nixon has identified the national benefits of a successful SST program: 150,000 jobs, $6 to $10 billion in tax revenues, $22 to $45 billion in balance of trade impact—over a 12-year period. Moreover, bringing renewed vigor to America's aviation leadership, at a time when that leadership is being seriously challenged from abroad, can have a compelling significance to our Nation's fi-

nancial and technical well-being in the 1980's and beyond.

The Senate should, in my view, carefully reexamine the issues at stake before deciding finally on the fate of the U.S. SST program.

Many Senators voting against the SST appropriation on December 3 have indicated that they did so out of concern for the uncertainties relating to first, the possible environmental effects of large-scale supersonic aircraft operations, and second, airline support for continued development.

Since that vote, a number of events have taken place which reduce substantially the risks and uncertainties attendant for further prototype development, and to erase completely any fears of environmental degradation resulting from prototype development.

The Senate-House conference committee, in proposing a compromise appropriation of $210 million, has taken cognizance of the following factors, which should be carefully considered by all members of the Senate before voting on the conference report.

PROTOTYPE PROGRAM AS A RESEARCH AND DEVELOPMENT PROGRAM

The prototype program constitutes an experimental test bed which will demonstrate whether or not a fleet of commercial supersonic transports would pose any danger to the environment. The Department of Transportation budget identifies research funds specifically targeted for the climatological assessment of SST effects. A vote for continued SST prototype development is properly a vote for assurances against any environmental unknowns or adverse effects. Other nations are already flying supersonic transports at speeds in excess of mach II. We have no assurance, however, that they are paying careful attention to any environmental uncertainties which may be associated with supersonic flight.

ENVIRONMENTAL IMPACT STATEMENT

Since the Senate vote on December 3, the final comments to the Department of Transportation's SST environmental impact statement were received from the seven departments concerned with SST activities. The Department has forwarded the impact statement, with comments, to the Chairman of the Council on Environmental Quality to comply with the terms of the National Environmental Policy Act. The statement acknowledges those areas where the need for further research is indicated, but states clearly that the prototype program is no threat whatsoever to the environment. Mr. Russell Train, the chairman of the Council on Environmental Quality, has said:

> There is no environmental reason why development of two prototype planes should not go forward.

The departments consulting DOT on the environmental impact statement have concurred in Mr. Train's statement.

SUPPORT OF SCIENTISTS

On December 5, the President's science adviser, Dr. Edward E. David, Jr., submitted the names of 34 distinguished American scientists who oppose the denying of further funds for experimental work on the SST. In the group's words:

> The recent Senate action denying funds for work on the SST represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development and experimentation make sure that those advances are obtained without undesired side effects.

That is the course of action assured by Secretary Volpe, and the Assistant Secretary of Transportation for Systems Development and Technology, Dr. Robert H. Cannon.

THE S.C.E.P. REPORT—WHAT IT MEANS

The study of critical environmental problems, sponsored last summer by the Massachusetts Institute of Technology, has been cited as one of the authoritative sources of environmental discontent. Yet the chairman of the working group on climatic effects of that MIT summer study program, Dr. Will Kellogg, said in San Francisco this week that he was much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment.

Dr. Kellogg has said:

> It is my profound hope that the Congress will not be mislead by these exaggerations and misstatements . . . I strongly support a vigorous environmental research program in parallel with prototype SST construction, (but) . . . I want to reaffirm that there is not environmenal reason to delay construction of the two prototype U.S. SST's.

(Dr. Kellogg is Associate Director of the National Center for Atmospheric Research Boulder, Colo.)

AIRLINE SUPPORT

The chief executives of the major airlines, meeting December 7 in New York City, declared their convictions:

> The United States should proceed with the program to build two prototype supersonic transports for test and research purposes. This program is essential so that we do not foreclose the possibility of our country building the airplane of the future and forfeit that opportunity instead to the British, French and Russians.

AIRPORT OPERATORS SUPPORT

The Airport Operators Council International, in a statement December 7, has strongly endorsed the SST program. In a letter to the President, Homer B. Anderson, AOCI president, said:

> We note there have been many allegations by program critics that relate to the airport operator's domain. These critics show little understanding of the airport operator's real world problems nor the manner in which real airport progress is accomplished. . . . We see the SST program as a unique opportunity to reduce community noise, air pollution, and congestion while improving air transportation service. . . . It is difficult to believe that the Congress would be responsible for cancelling this effort based upon the unsubstantiated allegations of ill-advised critics.

NATIONAL INTERESTS

Careful analyses of the costs that would be encountered in terminating the SST program at this point have made clear that the best interests of the Nation cannot be served by closing forever and irrevocably the option the United States has held open for nine years for a place in the coming civil supersonic aircraft market. Senator PROXMIRE's reported statement, that a cut to $210 million "does not make a bit of sense because if you are going to spend that much, you should go ahead with the whole program" is valid, but congressional concurrence with the compromise proposal of $210 million to keep the program in existence is essential to long-term national interests.

The President has stated his confidence and his commitment to the observance of environmental standards of acceptability in the U.S. SST development.

He has, at the same time, reiterated the value of continued U.S. aviation leadership, and the ultimate costs of competing in a world market for supersonic air transportation in which the United States does not even "show."

Full and objective consideration of the prototype program, with the assurances of all concerned that environmental risks are not part of the price of prototype development, and that both airline and airport operators support the prototype program, should, in my view, remove any reservations previously held by the Senate in voting in favor of further SST prototype development.

Mr. President, I shall not detain the Senate longer. I just wanted to follow up on one point, which I think the Senate should keep in mind in its deliberation.

Allusions have been made to the problem of what our adversaries are going to do in the way of SST's. Yesterday I learned that the Soviet Union intends to offer for sale to the airlines of the world the supersonic TU–144, the first commercial airliner to fly, the first to fly faster than the speed of sound, and the first to fly at more than twice the speed of sound. This aircraft has been described by no less an authority than Neil Armstrong as a sophisticated airliner comparable in comfort and apparent aerodynamic efficiency with the British-French Concorde and other subsonic and supersonic airliners. The TU–144 will be first offered for sale to airlines of the United States on December 28, less than 2 weeks from today, in a double-page, four-color ad that is set for the Nation's leading aviation publication, Aviation Week magazine.

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

Mr. JACKSON. I yield.

Mr. GOLDWATER. I might comment that this will be the fourth colored ad appearing in that magazine this year for the consideration of that aircraft. I am going to make available to my colleagues tomorrow copies of that magazine to show the extent to which the Soviets have gone and are going to take over this market that we are going to lose if we do not build the SST.

I might also say I put in the RECORD, I believe this morning, a little investigation I had with regard to a rumor that Pan American had looked into the TU–144. They have done more than that, and the record of what they have done, no longer a rumor, will be able to be found in the RECORD of tomorrow.

I stated in my opening remarks that

when an airline wants to buy a supersonic aircraft for competitive purposes and the United States has nothing to sell because we are no longer in the subsonic industry, the industry we now dominate will go out the window. I look on these funds not as funds to build any aircraft, but more for research and development. We can get the answers we hope to get to the problems of the environment, if there are any—and I am not convinced for one second that there are—by research and development. This is the way America has progressed. We have made the progress that we have in the air by spending money on research and development. I hope we are not shortsighted enough in this case to suddenly fall by the wayside.

Mr. JACKSON. I thank the distinguished Senator from Arizona, who has followed this matter very closely.

All I can say is, it is going to be a sad day for America and American workingmen, scientists, and engineers when the Soviet Union offers to sell its SST's in this country to American airline companies and the United States is not in a position to make comparable offers for sale of such aircraft.

There has been talk about and a bill which has been introduced to prohibit foreign airlines from landing an SST or even taking off at subsonic speeds. There is a provision in the bill which would also prohibit American airline companies from buying foreign SST's. The facts of life are that we cannot pass that legislation and make it effective. Anyone who knows anything about retaliation surely knows that other countries are not going to allow the United States to land its commercial aircraft—incidentally, 85 percent of all commercial aircraft in the free world are produced in the United States—if we pass that kind of legislation.

So we are going to see a situation that is not unlike what is involved in the trade bill. When we start to retaliate with tariffs, when we start trying to retaliate by preventing other countries from landing aircraft in this country, it will not be long before America learns its lesson.

I would say it is just common, ordinary horse sense that the United States ought to be in a position to at least compete, from a research and development standpoint, to find the answers to questions that have been raised in connection with the environmental impact of this program.

Let us face it. They have raised these questions only recently. Yet we have been flying supersonic military aircraft for the last 15 years. Where were the scientists then who are now complaining about the environment?

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

Mr. JACKSON. I yield.

Mr. GOLDWATER. It is rather amusing to look at this group of scientists—not in their entirety—who have made those statements. They are the very ones who said we could not fly supersonically because of the limitations of the fuselage.

These are the ones who said the ABM would not work, and it is working. These are the ones who have opposed practically every forward step in American technology since I can remember, and I took the trouble to look some of the names up, that go back and back and back—they have always been opposed to going forward in America. It does not surprise me that they have come up with a whole packet of falsehoods about the SST.

Mr. JACKSON. The Senator is correct. I listed them in connection with the ABM debate, and it covers some rather amazing situations.

A number of them, of course, also said that the proposal that President Kennedy fortunately later adopted to get a man on the moon would not work, that it would be a disaster.

These are the people who have been talking along the same scare line—and that is what it is, it is the old scare technique; if you do not have an answer, scare them to death—saying things like "You are going to have skin cancer as a result of an SST."

Mr. President, I would say that is reaching an all-time low in demagoguery.

But I ask one simple question: If a supersonic aircraft can do all the damage that is now claimed, why did not these scientists alert the world 15 years ago, when these planes began flying?

If this plane were being built by charitable institutions, the critics would be all for it. That would be different. I want to say, Mr. President, that what is needed here are some intellectually honest answers to the questions which have been raised. Some of these questions are proper, in my judgment. The truth is that the proponents of the SST cannot answer all of them at this time. The opponents of the SST cannot answer them at this time, either, because we do not have prototypes to test. The least that we can do is to provide the prototypes and the on-going research necessary to get the answers.

As I recall, this bill provides $27.2 million to be expended over a 3-year period for research in connection with various matters pertaining to the impact, if any, of this program on the environment. If it is not all in this bill, it is in various other appropriation bills.

Mr. BIBLE. I think the Senator is correct, but all of that amount is not in this bill.

Mr. JACKSON. But in other programs?

Mr. BIBLE. For that purpose, yes.

Mr. JACKSON. So these various funds are being put together, and the scientists involved are marshaling their resources in order to come up with some answers.

It will be a rather tragic day for America when we, by law, prohibit our country from participating in an area where we have, during this century, been supreme—the area of science and technology. If we follow the position of the opponents, if we should bug out, if we should walk away even from trying to find the answers to the questions that are being raised.

That would be a sorry day for America, not only as it pertains to the supersonic aircraft, but it would be an indication to the world that somehow we can be frightened by scare tactics into believing things that are just not true, because there are no facts to support them.

Mr. President, I shall have further remarks to make later, but I again wish to say how fortunate we are to have in charge of the bill a man who is a longtime conservationist and an environmentalist, who is working long and hard to protect and preserve our environment and to bring about meaningful conservation legislation.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I move that the conference report be postponed until Thursday, December 17, which is tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

Mr. MAGNUSON. Mr. President, will the Senator yield for half a minute on another matter?

Mr. PROXMIRE. I ask unanimous consent that I may yield to the Senator from Washington without losing my right to the floor, or my subsequent remarks being counted as a second speech.

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of my own on the question of unemployment in this country.

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

THE PROBLEM OF UNEMPLOYED SPECIALISTS

Mr. MAGNUSON. Mr. President, the present unemployment problem in this country is a serious and many-faceted one with which we are all aware. One especially disturbing part of that problem is the fact that many highly educated, fully experienced engineers, scientists, and technicians are jobless because of severe cutbacks in aerospace and other industries. This part of the unemployment problem becomes even more tragic when examined in the midst of pleas from urban officials throughout the country who desperately need qualified personnel to work toward the solution of the many problems now facing our cities. Somehow we must bring these unemployed specialists together with these urban officials. Then we must provide for a brief orientation period to facilitate the transition of these specialists into their new jobs in city halls, model cities offices, and wherever else efforts are being made to solve our urban ills.

For these reasons, Mr. President, I have read with great interest recent press reports, which I will insert into the RECORD at the end of these remarks, that have described a program now being planned by the Department of Housing and Urban Development to do just these things. It would channel jobless specialists into these new roles and it would also facilitate their transition. I understand that this program, as now envisioned, would provide for the placement of 3,000 of these specialists in urban government and model cities jobs in the near

future. I have been told that this proposal will be submitted to the President for his final approval sometime this week. Therefore, I would like to emphasize at this time how important I believe such a program could be as a beginning in not only attacking the unemployment problem, but also in providing new expertise for the attack on the many complex problems now confronting our cities. I am very hopeful that the President will approve this program and implement it as soon as possible.

I ask unanimous consent that the two news articles to which I referred earlier, one from the December 15 Washington Post and one from the December 13 New York Times, be printed in the RECORD immediately following my remarks.

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

3,000 MUNICIPAL POSTS ARE PLANNED FOR JOBLESS AEROSPACE SCIENTISTS

Nixon Administration officials are pushing a plan to hire about three thousand of the nation's 45,000 jobless aerospace scientists for jobs going begging in local and state governments.

The proposal would also provide for training and jobs as city technical aides for about 3,000 veterans returning from Vietnam.

Ronald L. Ziegler, presidential press secretary told newsmen yesterday that the plan had yet to reach the White House.

The job proposal is being developed by Floyd Hyde, Assistant Secretary of Housing and Urban Development and chief of HUD's flexible-subsidy Model Cities program. Its estimated federal cost is under $5 million.

Hyde's aides said the plan had been widely endorsed by mayors and city managers, who reported about three thousand vacancies in planning, budgeting, and other technical staffs.

According to HUD estimates, there are about 45,000 out-of-work aerospace scientists or technicians and about 80,000 returning veterans who cannot afford to take advantage of the Vietnam GI bill because its benefits are too low.

"You pair these guys," observed one HUD specialist, "give them training, and they can go up the ladder side-by-side."

The tentative HUD plan, calls for:

A quick training and orientation program for scientists and ex-GI's, paid for under existing federal manpower and Model Cities programs. Each trainee would make a three-year job commitment.

Placement in technical jobs in the cities with continued training—on the job or in local universities—with the cities paying full salaries with federal help until the newcomers are fully integrated.

Concentration of HUD efforts in economically hard hit aerospace centers, such as Boston's Route 128 complex, Seattle, San Diego, Huntsville, Ala., Cape Kennedy, Fla.

FEDERAL PLAN CALLS FOR IDLED SCIENTISTS TO ATTACK CITY ILLS

(By John Herbers)

WASHINGTON.—The Nixon Administration is considering an emergency training and recruitment program that would put many of the nation's 45,000 unemployed scientists, physicists and engineers to work on urban problems.

The plan, which would begin with a fast training program for several thousand persons, originated in the Model Cities Division of the Department of Housing and Urban Development. It has been approved by top officials in the domestic departments and has been submitted to the White House for approval.

CALLED STEP IN CONVERSION

It is based on the fact that, while aerospace and defense industries across the country have been laying off highly skilled employes by the thousands, cities trying to come to grips with increasing urban problems have been short of planners, systems analysts and technologists of various kinds.

With only a little additional training, officials here believe, the skilled jobless can help fill needs of the cities.

Administration sources who have been working on the plan said it could be an important step in converting from a military to a peace economy.

The authors of the plan were hopeful of winning White House approval because the plan would not require new budget outlays. The training and recruitment would be incorporated into existing programs and would be financed from funds already appropriated by Congress.

An example of how the plan would work can be seen in the Boston area, where some 10,000 specialists have been laid off as Government contracts in space and military projects have declined.

Yet Lowell, Mass., a city of about 90,000 population near Boston, has about 20 openings that could be filled, with some training, by many of those laid-off specialists. An unemployed doctor of philosophy with both technical and business background who had worked in the Apollo space program could be employed by the city of Lowell in a variety of ways—from computerizing the tax collection system to improving the transportation system.

Lowell has not found the doctor of philosophy because the city has only a limited recruitment program and has no funds for retraining specialists.

The plan being worked out within the Administration calls for an initial demonstration project that would retrain 2,000 to 3,000 specialists in several areas including Boston, Los Angeles and Wichita, Kans.

If the demonstration project were successful, it would be expanded to include many other areas. The plan is based on a small pilot project that the Department of Housing and Urban Development successfully conducted in recent months in its search for specialists to work in model cities and other programs.

Special instruction would be set up in colleges in the areas involved and would be combined with on-the-job training. It would be paid for by departmental or other grants.

"We think there are 15,000 to 20,000 specialists who would like to work in urban affairs," the Administration sources said. "Cities are able to pay better salaries than is generally believed, and many of those highly skilled people are now working as bartenders or are not working at all."

ROLE FOR VETERANS, TOO

Another aspect of the program would be to recruit Vietnam veterans and persons from poverty areas to work as assistants to the specialists, putting them in line for management jobs later.

The program is designed to encourage the building of professional staffs both in City Hall and in model cities agencies, which work under City Hall, using Federal funds to improve poverty areas.

Many cities now employ outside companies to do planning and analysis work that could be done by their own staffs, if they had the necessary professional personnel. For example, New York paid several million dollars to the Rand Corporation to program a system of policemen's beats.

"We think it is important," a Government spokesman said, "for cities to build their own management capacity if there is going to be the kind of decentralization and local control envisioned."

Mr. BIBLE. Mr. President, will the Senator from Wisconsin yield for a parliamentary inquiry?

Mr. YARBOROUGH. Mr. President, will the Senator yield to me for a question to the distinguished Senator from Washington, who has just put a statement on unemployment in the RECORD?

Mr. BIBLE. Well, will the Senator yield first to me, because I wish to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. To whom does he yield?

Mr. PROXMIRE. Mr. President, I yield to the Senator from Nevada for a parliamentary inquiry, with the understanding that I do not lose my right to the floor, and with the further understanding that my subsequent remarks will not be counted as a second speech.

Mr. BIBLE. No, it will not count as a second speech. I am not being that technical.

Postponed until what time?

Mr. PROXMIRE. Until tomorrow, which is Thursday, December 17.

Mr. BIBLE. Would the Senator restate his motion?

Mr. PROXMIRE. My motion is that the conference report be postponed until tomorrow, Thursday, December 17.

Mr. GOLDWATER. Will the Senator yield at that point for a question?

Mr. PROXMIRE. Yes, indeed.

Mr. GOLDWATER. Would the Senator agree to a time certain tomorrow?

Mr. PROXMIRE. For a vote on my motion?

Mr. GOLDWATER. No, for a vote on the conference report.

Mr. PROXMIRE. No, and I shall explain why.

Mr. GOLDWATER. I think I know why; I just wanted to ask the Senator the question.

Mr. BIBLE. Mr. President, a parliamentary inquiry. As I understand, this motion is debatable.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. PROXMIRE. I yield to the Senator for that purpose, provided I do not lose my right to the floor and provided that my subsequent remarks not be counted as a second speech.

Mr. BIBLE. I have no intention of taking the Senator off his feet. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. BIBLE. I thank the Senator.

Mr. PROXMIRE. Mr. President, I would like to ask the distinguished manager of the bill, the Senator from Nevada (Mr. BIBLE), a series of questions, and ask unanimous consent that he may answer without my losing the floor, and that my interrogating will not be regarded as second speeches.

Mr. YARBOROUGH. Mr. President, would the Senator yield to me for just a

moment, in view of the entry just made in the record by the Senator from Washington?

Mr. PROXMIRE. Oh, yes. Mr. President, I yield to the Senator from Texas without losing my right to the floor, and without my subsequent remarks being counted as a second speech.

THE PROBLEM OF UNEMPLOYED SPECIALISTS

Mr. YARBOROUGH. My question relates to the statement on unemployment which has been placed in the RECORD by the distinguished senior Senator from Washington.

Does the Senator have the exact figure on the present level of unemployment in the country?

Mr. MAGNUSON. I can tell the Senator what the figures are out in the State of Washington, if he wants those. There is now close to 18 percent total unemployment.

But this was a statement in relation to the administration's suggestion that we ought to have some kind of program to take care of these unemployed technicians and scientists in the aerospace industry who are out of jobs. It would be a shame to waste their talents, we should see if we cannot, instead of having them on unemployment compensation, where they are now, use them to turn their skills toward objectives that we do not have programs for—at least sufficient programs.

I compliment the administration on this proposal, which they expect to send up sometime after we meet in January. But the figures are—I do not know what they are nationwide, but they are pretty close to 6 percent.

Mr. YARBOROUGH. It is 5.8 percent.

Mr. MAGNUSON. Yes; 5.8 percent, and going up all the time, instead of going down. And of course these figures, I will say to the Senator from Texas, are a little bit deceiving, because these are only the people who have applied for insurance.

Mr. YARBOROUGH. Who have applied for unemployment insurance?

Mr. MAGNUSON. Who have applied for unemployment compensation. And we have to add perhaps 20 percent, or 25 percent more to that. Frankly, the State of Washington is running out of money. Then they will apply and nothing will happen. This costs a lot of money.

If you have some worthy project that will advance the technology and the air superiority of this country, or will provide for rapid transit, or help solve the problems of the cities, you might as well go on with it. Like this one; we might as well go on with it, because we are going to pay out about half of this money for unemployment compensation.

Mr. YARBOROUGH. Mr. President, the entry of this item in the RECORD by the distinguished Senator from Washington brought this up.

At 6 o'clock tonight, the President of the United States vetoed the manpower training bill, which would provide $9.5 billion over the next 3 years, to train many of these unemployed people. With the highest unemployment in 7 years, I think this is the most shortsighted of all the recent vetoes, with the exception of the Hill-Burton Hospital Construction Act and the Education Act.

If a bill contains something to help the man who needs help, this administration vetoes it. With the high unemployment in State of Washington, and the need for retraining these people, this manpower training program goes down the drain with this shortsighted veto.

The manpower bill was worked on in my committee for 2 years. Both Senators from Wisconsin held hearings from coast to coast. I was with them in Corpus Christi, where the unemployment among the Mexican-Americans is the highest of any ethnic group in the Nation.

My amendment with respect to bilingual training was put in the bill. Never before had there been a program for training people from Spanish-speaking families, with programs for the middle aged and for those out of work.

We also had in the bill a provision which would help the cities such as Corpus Christi, which was badly damaged by Hurricane Celia last summer. The Red Cross certified that 65,000 homes were damaged; and the bill contained a provision to retrain people where factories were destroyed and jobs were gone.

This was the best manpower training bill in the history of this Nation, and it went down the drain on a veto. We worked on it for 2 years. There are 435 Members of the House and 100 Members of the Senate, many of whom gave bipartisan support for the bill. There was considerable input from the other side of the aisle on this bill. We gave the President $9.5 billion to spend. If there was political benefit to be gained, he would be the one to get it. He could determine where the money would go. He could get the credit for it.

Doubtless, many Senators on the other side of the aisle were moved to compassion for the unemployed. Perhaps they thought there was political advantage to their party to be able to spend this money.

The Members of Congress who have been talking to the people and finding out what the needs of this country are, worked on the bill for 2 years, and it goes down the drain due to the influence of a little palace guard that never ran for office in their lives and do not know what it is to see the voters' irate feelings regarding unemployment in this country.

So, with the needs greater and with unemployment at a 7-year high; by a stroke of the pen, the President dashed the hopes of those millions of unemployed persons who are facing a bleak Christmas. These people have been deprived of a chance to start working. All these hopes went down the drain. I think it is tragic.

I do not make this speech with pleasure because of the tragedy it is to millions of American families. I would rather the President had signed it, and I would rather be here commending the President for doing so. This veto is a tragedy to millions of Americans and a tragedy for our country. I believe that the greatest of all manpower training bills in the history of this country has been vetoed tonight.

I thank the Senator for yielding.

Mr. PROXMIRE. I thank the Senator for his strong and vigorous statement, and I share his views enthusiastically.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PROXMIRE. Mr. President, I yield to the Senator from California without losing my right to the floor, and with the understanding that my yielding will not count as a second speech.

Mr. CRANSTON. Mr. President, President Nixon is resorting to arithmetic hypocrisy in basing part of his argument for the supersonic transport—SST—on the number of jobs it allegedly will mean 10 years from now when he is sitting on $350 million in immediate job-creating money which Congress has appropriated for flood control, reclamation, navigation, conservation, schools, health care centers and pollution control.

The President is refusing to use millions of dollars already approved by Congress for domestic programs which could create thousands of new jobs almost at once.

In addition, the President still has not used $1.3 billion in Federal housing money which could mean 70,000 more desperately needed housing units and 84,000 more year-round jobs in the depressed housing industry.

In fact, during the first 7 months of this year, the President had $2 billion which he could have used for 100,000 new housing units—priced between $17,500 and $20,000. That would have meant 120,000 year-round jobs which men could have been working on right now. These figures do not even take into account the extra jobs that could be created outside the building industry if we were to use the accepted construction investment job multiplier.

I believe the SST is an aeronautical Judas goat which, like the goat that leads little lambs to slaughter, is leading the aircraft industry down the path of financial disaster.

Wasting the talents of scientists and engineers on a useless project like the SST is dishearteningly reminiscent of useless leaf-raking and other make-work WPA projects during the thirties.

Ironically, the administration refuses to spend $8 million Congress appropriated for research and development work on pollution control which could employ many of the scientists and engineers now being displaced by defense and aerospace cutbacks.

I urge Government and industry to concentrate on the real needs of American aviation today: easier, faster access to and from airports; fewer delays in landing and takeoff; greater flying safety; nonpolluting, quieter aircraft and,

most especially, short-landing-takeoff planes capable of feeding smaller airports more conveniently located for the vast majority of the flying public.

Leaders in the aircraft production and airline industries have told me they fear the Japanese, French, and English will steal the STOL and V/STOL—vertical takeoff and landing craft—market right from under our nose while the Government tries to foist onto the American taxpayer a $1.3 billion bill for a monster aircraft to fly a few people across the ocean at 1,800 miles per hour.

Industry leaders in California have told me that the real meat-and-potatoes of the business is not transoceanic flights but short-hops—like between Washington, D.C. and New York, between San Diego and Los Angeles, Los Angeles and Bakersfield, Bakersfield and Fresno, Fresno and San Francisco, San Francisco to Stockton, Sacramento, Redding, and beyond. They need planes designed for that kind of flying and there is precisely where foreign competition is way ahead of us.

Besides the "freeze" the administration has placed on the $350 million appropriated by Congress, it has also tried to divert another $250 million away from airport construction and flight safety.

If the administration gets away with it, it will mean the loss of 25,000 potential jobs.

Under a supplemental appropriation requested by the administration, $250 million from a special trust fund for airport and airways development is to be used instead to meet operating expenses of the Federal Aviation Administration.

Fortunately, this was spotted in time, and last week a committee of Congress wrote into the bill a ban against diverting these funds from capital improvement projects.

The Bureau of Labor Statistics estimates an average of 70,000 jobs are created by every billion dollars spent. The figures are higher for agriculture—110,000 jobs for each billion dollars of expenditures—and construction—100,000 jobs per billion dollars. Aircraft manufacture is right at the overall average of 70,000 jobs per billion dollars.

The President's estimate of 150,000 jobs created by the SST is based on the assumption that the Government will spend the full $1.3 billion on this project, not just $290 million or even $210 million.

And a few other things should be understood about that 150,000 job figure:

First, that number of people will not be employed until 1979 at the very earliest when, and if, the SST ever gets off the ground and when, and if, it ever goes into full production.

Second, only one-fifth of that number are actually working on the SST prototypes at the present time.

Third, scientists and engineers comprise only about 20 percent of aerospace employees; thus the bulk of people working in aerospace are skilled and semi-skilled people who can be reemployed in other sectors of the economy if the administration will open up the economy instead of squeezing it down.

Defense Secretary Melvin Laird's contention that present unemployment is due to reductions in arms spending and the transition from a wartime to a peacetime economy is only half the story.

Such a transition would only cause a movement of people from one job to another if they had another job to go to. But there are no jobs to go to because of the administration's deliberate fiscal and monetary policies to depress the economy.

When people are thrown out of work because of Government policy, the Government has an obligation to help private enterprise create new jobs. And if for one reason or another private enterprise cannot provide the jobs, or cannot provide them fast enough, then the Government must step in to put these people to productive work in meeting the major needs of our Nation today: housing, schools, health, mass transit, and saving our rapidly deteriorating environment.

I dispute the administration's claim that Congress has put a fixed ceiling on Federal spending.

The limit is flexible and could easily accommodate the jobmaking spending I am proposing. If the administration is sincerely worried about a spending limit, it could reduce total expenditures by not spending $210 million on the SST.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a detailed breakdown on the $350 million in unspent "frozen" appropriations.

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

HEALTH, EDUCATION AND WELFARE

During fiscal 1970, the Department of Health, Education and Welfare refused to spend $52.5 million appropriated for expenditure during that year. Of this sum $50 million was placed into obligated reserves and carried over for expenditure in future years. Of the $50 million, $39 million was to have provided aid for impacted areas and for the construction of health care centers. Using dollar-manpower ratios established by the Bureau of Labor Statistics more precise than the formula above, 4,400 jobs could have been created by the $39 million in construction funds.

Six million dollars appropriated for research in pollution control was placed into a carryover account. Two million dollars in addition to the $6 million of the appropriated amount was not granted by the Department to research applicants. Research scientists in our universities would have been the primary job beneficiaries of these funds. An additional $4.5 million was held back by the Administration instead of going into earmarked student loan funds. These funds provide a valuable resource which enables thousands of students to complete their education.

PUBLIC WORKS

The President recently placed $102 million of appropriated public works money for FY 1971 in a "budgetary reserve." Intended to be used for flood control, reclamation and navigational projects the money would have created 10,000 jobs nationally and 1,800 jobs in California.

In California, the President's budgetary freeze has prevented work from beginning on 21 projects totalling $26 million. Twelve of these public works projects fall under the jurisdiction of the Corps of Engineers—9 involve construction and 3 are planning projects. The nine remaining projects come under the purview of the Bureau of Reclamation and $18 million has been withheld from these projects.

Most seriously affected by the Administration's public works freeze in California is the San Luis Unit of the Central Valley Project. For this project, Congress provided an additional $10 million for construction work on the Westlands drainage and distribution system and the Pleasant Valley Canal. This amount was also frozen. This money would have speeded completion of the Westlands system, and in the case of the Canal, would have permitted most of the remaining work to be finished. Existing contracts have created 250 jobs and the $10 million would create 1,000 badly needed jobs. The freezing of these funds not only eliminates these additional jobs but also threatens the existing jobs because contractors will be forced to shut down their operations. The Department of Labor lists the Fresno County area where this work was to have been done as having one of the highest unemployment rates in the nation. Jobs are desperately needed there.

The President's action not only will affect jobs in the Fresno area but will depress the agricultural economy of the region which is 97 per cent developed and depends heavily on the Canal and the drainage and distribution system.

AIRPORT AND AIRWAY IMPROVEMENT

In its supplemental appropriations request for the Federal Aviation Administration for FY 1971 the Nixon Administration attempted to divert $250 million authorized by Congress from a special trust fund established for airport and airways development. The Administration planned to use the money for FAA operating expenditures. Diversion of this sum specifically earmarked by Congress for capital improvement projects at airports around the nation could have prevented the creation of 25,000 construction jobs.

Fortunately, the Congress acted last week to prevent the Administration from diverting trust fund money.

When the Congress enacted the Airport and Airway Development Act in May of 1970 it intended to tax passenger tickets, freight, fuel and aircraft in order to form a $600 million trust fund for capital improvements at the nation's airports. Small and large airports waited to request money for such projects as control tower construction, building and lengthening runways and taxiways, installation of lighting systems and other improvements such as terminal radar and instrument landing systems. All of these capital improvements would make air travel safer. All are owed to the passenger, the airlines and the private plane owner because they have been taxed for that purpose.

Since airports were able to submit requests for capital improvements from the trust fund on July 1, 1970, 363 requests totalling $280 million have been submitted. At least 1,200 can be expected by the end of the fiscal year.

As of today, 33 airports in California have applied for approximately $21 million worth of capital improvement projects.

If Congress had allowed the Administration to divert money from the trust fund as they had planned to do in their supplemental appropriation, millions of dollars of capital improvements at airports in California and around the nation would not have received funding and thousands of jobs would have not been created.

This is still another example of the Administration's misplaced priorities in air travel. It is willing to talk loosely about progress in the context of the SST while it attempts to pirate tax money away from the real needs of the public.

HOUSING

The funds which are appropriated by the Congress are not the only funds available to the President. There are a number of situations where the Congress has given the President the authority to borrow funds from the Treasury in order to meet a particular need.

For instance, in the housing area, the Congress has given the President the authority to borrow certain amounts of money to assist various Government housing programs. Although housing starts have been drastically down over the last two years, the President has failed to fully use his borrowing authority to alleviate the situation.

The President as of January 1970 had the authority to use over $2 billion for low-cost housing. Although the President had this authority for seven months, none of this money was spent.

This money could have been spent to purchase mortgages for low-cost housing under the FHA section 203(b) program or under the VA low-cost housing program.

The amount of the mortgages would be limited to $17,500 in average areas and $20,000 in high cost areas.

Thus, the $2 billion if fully used could have constructed approximately 100,000 new housing units. In terms of jobs this would mean that 120,000 men could have been employed for a full year or 1800 work hours.

Last July, at the request of the President, the Congress reduced the $2 billion authorization by $750 million leaving an authorization of $1.3 billion.

The President has failed to this date to use the $1.3 billion at his disposal. Again, all of this money could be used to purchase unsubsidized FHA and VA mortgage for low-cost housing.

If this money were used 70,000 new low-cost housing units could be constructed. Moreover, 84,000 jobs directly related to the construction of these units would be created.

In short the President could right now spend money to construct much needed housing, which would in turn create new jobs to stem the rising unemployment rate.

However, to date he has failed to use this money and there are no indications that he intends to use any of it.

AGRICULTURAL CONSERVATION PROGRAM

To date, the President has refused to release $195.5 million appropriated for FY 1971 by the Congress to help farmers carry out approved soil, water, woodland and wildlife conservation on their land in order to help maintain the productive capacity of American agriculture. By freezing these funds, the Administration jeopardizes the jobs of over 3,000 persons employed in County Agricultural Stabilization and Conservation Service Offices across the nation. Infusion of the $195.5 million would also aid a seriously depressed farm economy.

By participating in the Agricultural Conservation Program, each farmer or rancher receives a certain number of cost-shares from the Federal Government. He then matches these cost-shares with his own money, purchases the necessary materials and, if necessary, hires the men he needs to help him carry out his conservation project. He may, for example, be constructing and installing an irrigation return system in order to reduce water pollution, conserve water and control erosion. In California during 1970, this particular practice involved an estimated 8,400 acres, and $71,000 federal cost-shares were paid.

ACP cost-sharing is essential to insure the wise use of our soil and water resources. As a result of the Administration's continued refusal to unfreeze the 1971 funds, the Department of Agriculture has estimated that approximately 300 county ASCS offices across the nation will have to close and that 3,000 ASCS employees could lose their jobs. In addition, an estimated 870 employees of the Soil Conservation Service, which acts as the technical advisory arm of the ACP, will also face the loss of employment.

In California alone, the Department of Agriculture estimates that at least 12 of the 37 County ASCS offices will be forced to close unless the funds are released in Washington. The Department could not supply me with estimates of the jobs lost in the 12 county ASCS offices in California which may have to close. The real harm done would be that a great number of farmers in California would be affected by the loss of ACP funds. The Agriculture Department has informed me that in 1971, 6,200 Calif. farmers and ranchers who have participated in the program in the past would be unable to continue to receive ACP cost-shares. If the money remains frozen, at least 23,000 California farmers would be unable to participate in the ACP program over the next five years.

Failure of the Administration to fund ACP could greatly impair efforts to encourage sound soil and water conservation and pollution abatement on privately owned farmlands in the United States.

It is a tragedy of national proportion that this valuable conservation program is being eliminated at the very time when farmers are in the midst of a depression—not a recession—and desperately need and deserve help.

Mr. CRANSTON. Mr. President, I should like to read from the President's December 5 statement in support of the SST:

Halting the SST now could well be a mortal blow to our aerospace industry for years to come. The research and development and the accomplishments of this industry have been major factors in giving the United States a superior position in the field of technology. We must not abandon this national advantage now.

Throughout the history of aviation, the United States has been first in this field. If the action of the Senate is not reversed, "he said" our country will be relegated to second place in an area of technological capability vital to our economy and of profound importance in the future.

I agree 1,000 percent with the President's observation about the historic accomplishments and monumental contributions of the aerospace industry to our country and our economy. But on the basis of information I have received from industry leaders themselves, I must disagree with the President as to what would be in the best interest of the industry at this point in time.

I would say to the President that continuing the SST now could well be a mortal blow to our aerospace industry for years to come and that if the action of the administration is not reversed, our country will be relegated to second place in an area of technological capability vital to our economy and of profound importance in the future.

Mr. President, I had intended to end my speech at this point. However, I have just been informed that the President has vetoed the manpower bill. In view of what I have said, I can only regard the President's action as a tragic error. Since that bill would have provided 360,000 jobs over the next 3 years, it is difficult for me to believe that the President is sincerely concerned about the workingman as he claimed in his recent statement on the SST.

Mr. PROXMIRE. Mr. President, I should like to ask the distinguished manager of the bill, the Senator from Nevada, some questions.

First, I should like to ask him whether or not the reasoning behind the $210 million settlement which was made in conference—that is, the compromise between nothing and $290 million—recognized what the Secretary of Transportation wrote to Senator STENNIS—to wit, that any cutback would be reflected in a 2-to-1 increase, depending on how much the cutback was, in the ultimate cost to the Government of paying out money for the SST. This cutback is some $80 million, which will be an increase ultimately to the taxpayer of $160 million in expenditure. Is that correct?

Mr. BIBLE. I cannot say that that is correct. I can say this: We are aware of the so-called white paper, of which the Senator from Wisconsin is also aware, because we asked him to for it.

It is true that as the amount of funding for the SST is decreased, the ultimate cost is increased. It is also true that the length of time will be increased.

The Secretary responded to us by using a $250 million cutoff figure as the minimum. Using that figure, which is the only figure that I think has any particular accuracy, he did state that using a $250 million program would increase the cost in the range of $60 million to $80 million. In his letter of transmittal, he indicated that it would increase costs, roughly, by a ratio of 2-to-1. That is correct. That was his statement.

Mr. PROXMIRE. So, in view of the fact that the result of what the conference did was to continue the SST program and the Department of Transportation seems determined to continue it, and their calculation means that instead of the Federal Government paying out $1.342 billion, it will pay out in excess of $1.5 billion, I cannot see where the taxpayer, who is burdened now by this expenditure, gets anything at all out of the conference. It seems to me that he is in worse shape. He would have been in better shape if we had gone ahead with the $290 million.

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

Mr. PROXMIRE. I yield.

Mr. BIBLE. If the Senator had supported the $290 million figure, I would have been happy to go ahead.

Mr. PROXMIRE. The Senator from Wisconsin opposed any figure. I oppose the program period. It is going to cost more in the long run to cut it, if we insist on continuing the program.

Mr. BIBLE. I admit that is true. If it is not fully funded, it is going to cost more in the long run. There is nothing unusual about that. I can give the Senator example after example from my own experience as chairman of the Interior Appropriations Subcommittee, where I have a little better working knowledge than I do in this field. In the case of dams we authorize, where money is appropriated, and then the full funding requirements are not met, whether it is a dam or a water works or whatever, the cost increases a great deal. I can give all kinds of representative examples. There is no question that, if it is not fully funded, it costs more money and stretches out the time. I cannot give the Senator a precise figure.

Mr. PROXMIRE. This is the illogic of proceeding in this way. If the SST pro-

gram is to be proceeded with at all, it is no compromise to cut back the funds this year, particularly when the experts on the program in the Department of Transportation say that it is going to cost more money. Therefore, the argument by the Senator from Mississippi and others today that the conferees secured a compromise—because it was cut back this year to $210 million does not stand up. The taxpayer is not being helped; he is being hurt.

Mr. BIBLE. He is going to be hurt rather badly if we take the Senator's theory of completely abolishing it and burying the program, because it will cost in the neighborhood of $250 to $276 million to terminate. There is a different range, because it depends upon negotiation. It depends upon what kind of burial the SST is given. Whatever burial it is given, if the Senator prevails, it is going to cost in the neighborhood of $250 to $270 million to terminate the program.

Mr. PROXMIRE. The answer is that the faster it is buried, the more money is saved. If we do not bury it this year and decide to bury it next year, it will cost us that much more money. The money spent this year will be added. We will have the contract termination payments to make plus the $290 or $705 million. If we decide to kill this program after 2 more years, it will cost us that much more. The program is not going to be completed.

Mr. BIBLE. It should be completed, of course.

Mr. PROXMIRE. If the program is completed and it is completed on the basis of the expenditure of the $210 million, going ahead on that basis, it will cost the taxpayer a total of $1.5 billion before we get to production.

Mr. BIBLE. I do not know about the accuracy of the figures but——

Mr. PROXMIRE. This is what the Department of Transportation says.

Mr. BIBLE. They say it is roughly on a 2-to-1 ratio. Suffice it to say, it will cost more if we cut down on the fund.

Mr. PROXMIRE. In what way will the program be cut back? How will it affect jobs? How many will be laid off production in jobs, at the $210 million figure?

Mr. BIBLE. I cannot give the Senator the precise figures, but it will be considerable. I think that gives us some indication, from the lesser figure, that there would be a layoff at some—at the $184 million figure—a layoff of approximately 6,000 employees, and at the higher figure. It might be a lesser layoff, but several thousand employees would be laid off, at the $210 million figure.

Mr. PROXMIRE. For the record, I know it is difficult to answer these questions in detail, especially at this late hour, but for the RECORD, perhaps the Senator could provide tomorrow whatever data he can on what effect this will have on jobs overall and, too, on Boeing in Seattle and the Boeing subcontractors. We would like to get that information.

Mr. MAGNUSON. If I may interject there, General Electric has got 50 percent of that.

Mr. PROXMIRE. That is what I want to know. That was my next point, how much this will affect General Electric, and its subcontractors and what percent.

Mr. BIBLE. The answer is difficult to come by—I think the Senator can understand why—without knowing exactly where we are going or the level of the funding. We need to know what the attitude of the contractor or the subcontractor will be on this.

The principal contractor does not know what the subcontractors will do. It may push some of them out of business, there is no doubt about that. We do not know which ones will continue or which ones will give up the ghost. Until we know, we cannot come up with an accurate figure.

I do not believe it will do very much good to ask for additional information, but if the Senator would furnish me with the questions I will do my best to answer them. We have a problem here where we cannot accurately answer questions because we get into questions of negotiation and renegotiation, and we have to read the terms of the contracts, and maybe there are penalty clauses in them. In other words, we do not know the full implications. But there will be, if the $184 million figure is used, a considerable layoff of jobs. It will be approximately 6,000 employees; broken down into Boeing, 3,700, Boeing subcontractors and vendors, 2,000; General Electric some 300 or 400. They cannot answer that, I would say, because they do not know what the final conditions of this will be. They do not want to go to the subcontractors right now, in this state of flux under which we are operating with the SST problem right now.

Mr. PROXMIRE. Three or four hundred being laid off by General Electric. How many now work for General Electric on SST production?

Mr. BIBLE. I cannot give the Senator that figure. I will be happy to supply it tomorrow. I do not know at this moment.

Mr. PROXMIRE. How many people are employed on the SST at Boeing?

Mr. MAGNUSON. I can give the Senator that figure. I believe it is about 6,800.

Mr. PROXMIRE. 6,800 now employed. The Senator said that at the $210 million figure it would result in 3,700 being laid off, which is half that number.

Mr. BIBLE. At the $184 million figure.

Mr. MAGNUSON. Something like that.

Mr. BIBLE. In that range.

Mr. PROXMIRE. Does the Senator have the total number of people now employed in subcontracting at General Electric and Boeing altogether, on the SST?

Mr. BIBLE. I do not have it right here ready. I have the Boeing figure to which the Senator from Washington testified. I do not know all the subcontractor figures. They have used a figure of about 15,000.

Mr. MAGNUSON. That is right.

Mr. BIBLE. I think 15,000 is the total figure, but——

Mr. PROXMIRE. The argument was that this would wipe out 150,000 jobs which now seems not to be an accurate figure. The President made that statement. I understand what he was getting at, but the number of jobs the manager of the bill now informs the Senate and the country on, that would be directly affected, now, the people working on the SST now, is 15,000 or just one-tenth of what the President of the United States indicated.

Mr. BIBLE. I do not know what the President indicated but I think that the accurate figure——

Mr. MAGNUSON. What the President was talking about——

Mr. BIBLE. Indirectly——

Mr. MAGNUSON. Was the program when it got into production, that it would create somewhere around 150,000, 160,000, maybe 200,000 jobs. That would be the figure, with 32,000 jobs in the State of California.

The reason the General Electric figure is small now is due to the powerplant. They have done all the work on it up to this point with the powerplant that they think they need to do, until they start assembling, and they go back to about another 7,000 or 8,000 because they are keeping the powerplant waiting. They are way ahead with the powerplant. They think they have got a good one, but they cannot do any more now until they start the assembly plant.

Mr. PROXMIRE. How many employees expect to work on the SST directly when the program goes into full production? I mean directly, not the multiplier effect.

Mr. BIBLE. I understand. I want to throw a little more light on my last answer and perhaps clarify it a bit. The statement in front of me now shows that there would be somewhere between 15,000 and 20,000 jobs in the prototype stage, assuming we go forward with the program, and 50,000 jobs in the production stage.

Mr. PROXMIRE. When will that be, the production?

Mr. BIBLE. The Senator asks a tough question, because it will not get into production until we get the money, and if we do not get the money, then it will be buried.

The first thing we have to do is to complete the two prototypes, and then complete the 100 hours of flying time, keeping to the $200 million schedule, which was in the budget request, so that would be sometime toward the winter of 1973 or the early months of January, February, or March 1974.

Mr. PROXMIRE. It would not go into production until 1973?

Mr. BIBLE. It would be ready for production.

Mr. PROXMIRE. When would production begin?

Mr. MAGNUSON. In 1974.

Mr. BIBLE. It is hard to say when production will begin, because that depends on the ability of the Government to enter into the proper arrangements with the manufacturers and the airlines.

Mr. PROXMIRE. On the assumption that the Government can enter into arrangements conveniently and smoothly, would the Senator deny that full production of 50,000 jobs would not occur until 1978? Is that wrong?

Mr. BIBLE. I cannot answer that question. I do not know when the full production would begin. It says here that there would be 50,000 jobs in the production phase. I assume they start out at a lower production level, if it goes forward. I think it depends on how many

companies manufacture the SST's and where they manufacture them.

I suppose there would be a buildup in employment just as this will build up if it gets into the prototype phase. More people will be involved, obviously, when we get to the building of the prototypes and the testing than in the early R. & D. days. I assume that the same thing will be true there. I cannot give the Senator the dates because I do not know.

Mr. PROXMIRE. If the program is closed down, which is the position that those who oppose the SST—a majority of the Senate—want to bring about, and if that vote prevails, recognizing that we have already spent $105 million this fiscal year, what amount would be owed under the contract to contractors to reimburse them for their outlays, leaving aside the $105 million already expended and appropriated by the continuing resolution?

Mr. BIBLE. The additional amounts would be the refund of the contractor's share of $79.8 million.

There will be an additional cost of $12 million and a $22.4 million refund of advance royalties to the airlines.

Mr. PROXMIRE. That is not a contractual obligation. It is a kind of moral obligation. We can or cannot pay it.

Mr. BIBLE. No. I think that is escrow money put up by the airlines. If the airline has not produced, the money is refunded.

Mr. PROXMIRE. That is not the taxpayers' money. Is there a contractual obligation to pay this on the part of the Federal Government?

Mr. BIBLE. I think there is no contractual obligation.

Mr. PROXMIRE. The contractual obligation would be what? $85 million or so?

Mr. BIBLE. $79.8 million and the additional $12 million.

Mr. PROXMIRE.. It would be about $90 million?

Mr. BIBLE. I think there is an additional item which they gave to us. I do not know what posture they put it in, because it is a refund of the airlines' contribution. I think that indicates good faith, thinking that it was going to be completed. To date they tell us their contribution is $58.5 million. Whether they do lose that or not, I have to be completely frank with the Senator and say that I do not know.

Mr. PROXMIRE. I understand that that is an additional potential liability. But it is not in the same category as a contractual obligation on termination to the manufacturer.

Will the SST contracting cost for the construction of the two prototype planes be identical to the anticipated production version of the SST?

Mr. BIBLE. I do not think that necessarily follows. I do not profess to be an expert in this field. But I think they produce the prototype and test the plane, and I think that then they try to take as many bugs out as they can and produce a better model when they get into production.

Mr. PROXMIRE. Is it not true that the prototype will be quite different? What is to be the weight of the prototype model?

Mr. BIBLE. I cannot supply that information.

Mr. PROXMIRE. The answer is 635,000 pounds.

Mr. BIBLE. I would be glad to verify the information.

Mr. PROXMIRE. What weight is the production model going to be? The answer is 750,000 pounds. This is a big discrepancy—20 percent heavier in the production model than in the prototype model. I wonder if there is any explanation?

Mr. MAGNUSON. I can answer that question. It is just what it means. We do not have all of the things in the prototype that we would have when they sell an aircraft. There would be more instruments. It often depends upon what the buyer wants. These would be seats. There would be galleys. There would be all kinds of things that add to the weight of the plane.

The prototype is naturally just a skeleton. It is an airplane that will fly. It will give us the answers we want. When they sell a plane, they have to put in all the things the buyer wants. They have to put in seats, galleys, different types of instruments, movie cameras. That all adds weight.

Mr. PROXMIRE. I do not think the Senator from Washington is right about that.

Mr. MAGNUSON. The Senator from Wisconsin may be a better aeronautical engineer than I am.

Mr. PROXMIRE. Neither of us is an aeronautical engineer. Is it not the understanding that if they build a prototype, the purpose is to test the plane to see how that plane will fly? If the prototype is 20 percent lighter than the production model, the result would be different.

Mr. MAGNUSON. It would not be different. It is the same plane, but when they go to a commercial operation they add a lot of things that they do not have to have in the prototype phase.

They do not have seats in the prototype. They do not have galleys. They do not even have to have the baggage compartment or other apparatus that they must have in the commercial model.

Mr. PROXMIRE. The difference is quite a bit sharper than that.

Mr. MAGNUSON. I will get the answers from qualified aeronautical engineers.

Mr. PROXMIRE. I would like to ask the Senator from Nevada about the seating capacity of the prototype.

Mr. BIBLE. The Senator from Nevada will be glad to get the technical answers to the technical questions.

Mr. PROXMIRE. The reason I ask these questions is again that there is a sharp difference in the prototype model. I am informed that the prototype has five seats across for the seating capacity. The production model is scheduled to have six seats across.

I wonder how we can test the planes if the production model is to be 20 percent wider.

What about the fabric for the skin? Is the brushed titanium honeycomb to be used as the skin as in the production model?

Mr. BIBLE. I do not have the slightest idea. I am familiar with titanium. A titanium plant is located in Nevada.

Mr. PROXMIRE. I understand that it might be quite different.

Mr. BIBLE. It might be.

Mr. PROXMIRE. If it is different, then it makes an enormous difference.

I debated the matter with Mr. Magruder, the man in charge of the SST for the Transportation Department.

I said:

> Why can't you use the research experience from the supersonic bomber? We are spending hundreds of millions of dollars on that. Why would that not give us the information?

He said:

> Anyone who knows anything about engineering appreciates that the military plane is not made of titanium. It is made of aluminum. So it would not tell you much if you have a different skin in the prototype model. You would not get the same kind of information.

This is why I ask about the difference between the prototypes and the production model metals.

What about the interior and environmental controls for the prototype? Will they be the same as for the production model? Is it not true that they would have to differ sharply?

Mr. BIBLE. It might very well. But I do not know how much it differs as between them. I think there would be differences between the production and prototype models.

Mr. PROXMIRE. It is very important. We go ahead and test the prototype. It is important that we know the capacity of the control system to prevent the radiation which the control system is designed to prevent. That is of great importance to the crew and the passengers.

Mr. BIBLE. Mr. President, I am sure that if the Senate permits the SST to go forward, they would come up with the answer by developing the prototypes.

Mr. PROXMIRE. What goal have Boeing and General Electric set for themselves for the noise level for the SST?

Mr. BIBLE. I do not know what goal they have set. I know that the testimony showed that insofar as the SST was concerned, it was not as noisy, actually on either take-off or landing as the 707 or any one of the 707 family of jets.

As to the sideline noise, it was slightly higher, but they maintain that with the advances in science they could bring that down so that there would be no more sideline noise on one of the SST's than any one of the family of the 707's.

Mr. PROXMIRE. As I understand it, the sideline noise—which means the noise within 2 miles on coming in and 2 miles on takeoff—covers an enormous area. They talk about takeoff, and that is an area 3 miles from the airport. The sideline noise, on the basis of testimony in the record of the Senate hearings earlier this year, was 124 decibels of noise, which is very much higher, three or four times higher at least, than present standards.

They say that their goal is to get it down to 112. That is above the 108 which the Senator from Washington specified in his bill should be the limit.

Mr. BIBLE. I think those are the goals they are trying to reach.

Mr. MAGNUSON. This is what they are working on. We cannot have it now.

Mr. PROXMIRE. That is their goal.

Mr. MAGNUSON. Surely it is. This is what they are working toward. The first fan jets made more noise than any other plane. They solved that. The GE engineers will tell you that they are almost sure they can bring it down to 108 or 110 PNdb. The bill said 108. How can we answer these questions now? They are working on finding answers.

Mr. PROXMIRE. Mr. President, the reason we are asking the questions now is that the testimony overwhelmingly indicates that they do not have an answer on the noise. The noise is 124 decibels, which is much too high. It would be completely unacceptable to any airport operator. The 112 decibels that they expect to get would also be excessive.

So if the Senator says, "Well, they are working on it; they may achieve it," I say they are far from it, and all the expert testimony confirms my statement. As a matter of fact, when the Senator's bill passed the Senate, the Department of Transportation itself said that this makes the noise problem which was already difficult, that much harder to achieve. That was their testimony. They are trying to get it down to 112.

Mr. MAGNUSON. They are trying to get it down as far as they can. The Senator says "the overwhelming testimony"; there is some argument about that.

Mr. PROXMIRE. Nobody has disagreed with that testimony.

Mr. MAGNUSON. The first automobile made a lot of noise.

Mr. PROXMIRE. This is a problem that has been worked on for many years, and they have not been able to solve it.

What has happened to the Magnuson-Jackson-Proxmire-Percy bill, the noise elimination bill that the Senator from Washington (Mr. MAGNUSON) introduced, and which he was gracious enough to let me cosponsor? That bill relates to prohibiting supersonic flights over land. It is intended to limit the SST sideline noise at airports. Is there any chance of action on that bill in the House?

Mr. MAGNUSON. The Senator knows the legislative process. I do not know whether there is any chance to have it passed this year. But I will tell the Senator from Wisconsin that if it does not pass in this Congress, I will introduce it in the next Congress and report it from my committee as fast as I can get a vote from the Commerce Committee.

Mr. PROXMIRE. If the House will not pass it under the present circumstances, when it could greatly advance the cause of the SST, there is not a remote chance that the House will pass it in the near future. The Senator knows that. We got it through the Senate and sent it to the House, but the House has done nothing; the House has been holding it.

Mr. MAGNUSON. It only has been in the House a short time.

Mr. PROXMIRE. It has been there 2 weeks.

Mr. MAGNUSON. We are more efficient.

Mr. PROXMIRE. Two weeks is a long time. We expect to adjourn sine die in a few days.

Mr. MAGNUSON. The Senator knows better than that. The House does not move that way. They were not in session much last week. They are waiting to close the session.

Mr. PROXMIRE. Is the Senator saying that he did not expect the House to pass the bill before we adjourn and it dies.

Mr. MAGNUSON. I resent that remark.

Mr. PROXMIRE. The Senator should resent it. The Senator is saying that the House may not pass the bill.

Mr. MAGNUSON. We hope the House will pass it; but the Senator knows that that is not done overnight.

Mr. PROXMIRE. But the House has not done anything. The House has not scheduled hearings on it.

Mr. MAGNUSON. The Senator knows better than to think the House can act immediately.

Mr. PROXMIRE. That is a fact. That is the situation.

Mr. MAGNUSON. The Senator knows better than that. The Senator knows much better than that.

Mr. PROXMIRE. Have they held hearings on it?

Mr. MAGNUSON. I do not know. I do not know if they have had a chance to get at it in the Commerce Committee. They have some priorities over there, and they are priorities on environmental issues as a matter of fact.

Mr. PROXMIRE. The Senator knows perfectly well that if the House committee wants to hold hearings on a vital bill that is holding up another bill they can do it in a matter of hours.

Mr. BIBLE. May I interject in the discourse in these closing days of Congress to say that I think men of good will should accept the statements of each other on faith on these problems. Otherwise, I do not think it is possible to complete our work in the time that is remaining before we must adjourn under the Constitution on January 3.

I hope that matter can be advanced to an early date but come next session I will personally take an interest in the matter and I think we can get it through here and in the House.

Mr. MAGNUSON. Why surely.

Mr. PROXMIRE. How foolish it would be to go ahead with this, the biggest appropriation we will have on the SST. In subsequent years the amount will not be this big. If we are to get this SST noise limitation matter through, we at least should have that other bill, before we pass this conference report. It seems to me we will not have that kind of environmental protection. We know how the House operates.

Mr. MAGNUSON. That is what I just told the Senator.

Mr. PROXMIRE. Of course. If they have to pay a price for this conference report, and that price is protecting the environment, we should grant it.

Mr. MAGNUSON. If the Senator will let us vote on this bill, I can spend the rest of my time over there getting it passed. The Senator will not do that, though, will he?

Mr. PROXMIRE. I am sure the Senator has a lot of other things to do.

Mr. MAGNUSON. No, I have not much more to do right now. I have the HEW bill ready to call up, in which the Senator has an interest. I put in all the items that the Senator was thinking about. But if the Senator will let us pass this bill, we can go over there and maybe we can get the House committee to pass on my bill.

Mr. CASE. Mr. President, will the Senator from Nevada yield without losing his right to the floor and without subsequent speeches counting as a second speech?

Mr. BIBLE. I yield.

Mr. CASE. I would like to know the facts in connection with the Magnuson bill which was passed at this session. I have a slight proprietary interest in it myself. It picks up much of what I had contained in a bill I introduced.

Mr. MAGNUSON. I will inquire tomorrow of Chairman HARLEY STAGGERS. I asked him when we had the bill passed. Today they have been busy with the Penn Central Railroad matter; that is another emergency. They have had problems on the airport-airways bill. The House Commerce Committee is a big committee with a long list of its own priorities. I will ask them again, however.

But I fully resent any idea that I would not have passed this bill. If I really thought the SST would not meet these standards I would agree that we should not fly it.

Mr. PROXMIRE. We are discussing this SST conference report——

Mr. MAGNUSON. The Senator is the only one delaying it.

Mr. PROXMIRE. No; we are talking about the SST.

Mr. MAGNUSON. Yes.

Mr. PROXMIRE. One important consideration is that we should hold it up until the House acts on the noise protection bill. That is a small price. It would be foolish if we go ahead with the money for the SST without that bill being signed into law first.

Mr. MAGNUSON. The Senator has been asking a lot of questions. Let me ask a simple question. If the House votes on that bill will the Senator let us vote on the DOT bill?

Mr. PROXMIRE. If the House passes the bill and President Nixon signs it into law I will give it every consideration.

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

Mr. MAGNUSON. I am happy to yield to the Senator from New Jersey. The Senator and I have talked about this matter many times.

Mr. BIBLE. Mr. President, I am happy to answer the questions of the Senator from Wisconsin. I cannot answer the technical questions today.

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

Mr. PROXMIRE. Mr. President, I yield to the Senator from West Virginia for a unanimous-consent request without losing my right to the floor and without my subsequent remarks counting as a second speech.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR PRESIDENTIAL MESSAGE ON VETO OF THE MANPOWER TRAINING BILL TO BE HELD TEMPORARILY AT THE DESK UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Presidential message on the veto of the manpower training bill be held temporarily at the desk until tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PROXMIRE. Mr. President, I would like to ask the Senator from Nevada this question. This summer Mr. Magruder announced the formation of two environmental panels to investigate noise and upper atmosphere pollution from the SST. I understand $27 million to be spent on research is to be devoted in part to studies by this group.

May I ask the Senator from Nevada who is on these panels? What departments and agencies are represented, and what companies are represented?

Mr. BIBLE. I do not have that answer readily available. That came up during testimony and it can be found in the hearings. I will supply it. I think I know the Senator's point.

Mr. PROXMIRE. This panel is chaired by the representative from the Department of Commerce. In addition there is a space agency representative, an Air Force representative, a Department of Transportation representative, a private group, including McDonnell-Douglas and American Airlines. These people are to assess the environmental impact of the SST. Last year HEW was represented and the Department of the Interior. They comprised the environmental panel. Why was not one, I repeat not one, of these agencies named to that group?

Mr. BIBLE. I assume that question would be better addressed to Mr. Magruder. I do not know.

Mr. PROXMIRE. Does it not make sense to the Senator as it does to those of us deeply concerned—that is, the majority of Senators—with the environmental effect of the SST, that the group should include experts on the environment and not only people who have a clear bias in support of the SST and no competence in the environment?

Mr. BIBLE. I think this should be looked into as they move ahead in the next 2 years on the environmental program. Maybe there is much substance to what the Senator said. I am turning to page 1338 of the hearings, part 2. It states that noise is also an undesirable element in our environment. They name a distinguished panel. I assume it is. The committee chairman of the SST Community Noise Advisory Committee is Dr. Leo Beranek, and then they give his affiliations and then they go down the whole line. That looks like a reputable group of noise experts who know something about the environment.

Then there is another list that is suggested here, headed by Dr. Myron Tribus, with a whole list of names.

Mr. President, I ask unanimous consent that the list of these names of people who appear to be fairly well qualified in the areas in which they are the most expert be made a part of the RECORD.

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

The Chairman of the SST Environmental Advisory Committee is Dr. Myron Tribus, Assistant Secretary for Science and Technology, Department of Commerce, and former Dean of Engineering at Dartmouth. Those who have advised us on environmental matters and are available to assist Dr. Tribus include: Dr. Lester Machta—Director, Air Resources Lab, Environmental Science Services Administration; Mr. H. J. Mastenbrook—Atmospheric Physicist, U.S. Naval Research Lab; Mr. George Chatham—Aeronautics and Space Specialist, Legislative Reference Service, Library of Congress; Dr. Harald Rossi, Professor of Radiology Physics, Columbia University and Chairman, FAA Committee on Radio Biology Aspects of the SST: Dr. Paul Tompkin—Chairman, Federal Radiation Council; Dr. Robert M. White—Administrator, Environmental Science Services Administration; and Dr. S. J. Gerathewohl—Chief, Research Planning Branch, Office of Aviation Medicine, FAA.

Dr. Tribus, of course, is free to call on anyone else in or out of the Government whom he feels may be qualified to contribute an environmental appraisal of the SST. As a result of a number of conversations with Dr. Tribus on this subject, it is my understanding that he plans to expand the membership of the Committee significantly.

The Committee Chairman of our SST Community Noise Advisory Committee is Dr. Leo Beranek, a noted authority in the field of psychoacoustics. Dr. Beranek is General Manager and Chief Scientist of Bolt, Beranek, and Newman, Inc. of Cambridge, Massachusetts. Along with Dr. Beranek, other distinguished professionals who have counseled us on the noise aspects of the SST and have agreed to serve with Dr. Beranek on the Committee include: Mr. Frank W. Kolk—Vice President for Development Engineering, American Airlines and Chairman of the SAE A-21 Aircraft Noise Committee; Mr. Kenneth Eldred—Vice President and Technical Director, Wyle Labs, El Segundo, California; Mr. Harvey H. Hubbard—Director, Acoustics Branch, NASA Langley; Dr. John O. Powers—Director, Office of Noise Abatement, FAA; Mr. Daniel R. Flynn—Executive Secretary of the Noise Abatement Panel, Department of Commerce; Mr. George Chatham, Aeronautics and Space Specialist, Legislative Reference Service, Library of Congress; Dr. Raymond A. Bauer, Professor of Business Administration, Harvard University; Dr. Jack L. Kerrebrock, Professor of Aeronautics and Astronautics and Director, Space Propulsion and Gas Turbine Laboratories, Massachusetts Institute of Technology; Mr. Aubert L. McPike, Chief, Acoustics Branch, McDonnell-Douglas Corporation; Mr. Clifton A. Moore, General Manager, Los Angeles Department of Airports; Mr. Newell D. Sanders, Chief, Special Projects Division, NASA Lewis; Mr. Charles R. Foster, Director, Office of Noise Abatement, OST/DOT; and Dr. Henning E. von Gierke, Chief, Biodynamics and Bionics Division, Aerospace Medical Laboratory, Wright Patterson Air Force Base.

Mr. PROXMIRE. May I say to the Senator from Nevada that the difficulty, of course, is that the effect on human health is a serious consideration. Dr. Egeberg, HEW's top health man, has very explicitly raised questions on the SST. The people now on the panel may be distinguished people. They may be noise engineers. But they are people in favor of the SST; at least, their associations are for the SST. And they are not experts in the particular areas of effects on human health, the environment, upper atmosphere pollution, which is of great importance. Why should not Russell Train be on it? He is the No. 1 environmental expert for the President. He is very qualified in this area.

Mr. BIBLE. I am well aware of that. As I recall, he said there was nothing in the development of these two prototypes that would in any way have any detrimental environmental impact.

Mr. PROXMIRE. That has been the argument made——

Mr. BIBLE. Did he not say that?

Mr. PROXMIRE. He said something of that kind.

Mr. BIBLE. I think that was his conclusion. I will supply the whole letter for the RECORD. I do not want to read anything out of context.

Mr. PROXMIRE. The arguments by me or by my colleague from Wisconsin (Mr. NELSON) have not gone to the two prototypes. That is not the problem. The problem is if $1.5 billion is spent on two prototypes, there is going to be an expectation on the part of the taxpayers that we are not likely to abandon this program, that we will go ahead and produce SST's in quantity. Otherwise the Government loses all of its investment. Therefore, we should consider the total effect of 500 or 700 SST's, which could have a far different effect on the environment.

Mr. BIBLE. I tried to make clear that, in my judgment—and I think I said this in my opening statement—we do not have all the answers to the questions the Senator is raising, and will not know until we have gone into the additional research and development and until we have gone forward with these additional studies by the environmentalists and the health people.

Mr. PROXMIRE. The Senator is right. That is why, in making that study, it should be by persons who, in the first place, do not have any connection with the SST and who are objective and competent.

Mr. BIBLE. Perhaps it should be broadened. If that is in order, I am sure they will follow the good advice of the Senator from Wisconsin and broaden the field.

Mr. PROXMIRE. Secondly, we do not need prototypes to make the study.

Mr. BIBLE. We do.

Mr. PROXMIRE. We do not need the prototypes to make the study.

Mr. BIBLE. Are we going to study the sideline effects?

Mr. PROXMIRE. The noise can be studied from the engines. The engines are practically finished now.

Mr. BIBLE. We have to know what the prototype is going to do, how it flies.

Mr. PROXMIRE. We have all kinds of military supersonic planes. We can study them in the same way that we would the prototypes.

If American Airlines and McDonnell-Douglas are on the panel, why not the Sierra Club and other conservation groups?

Mr. BIBLE. I am very fond of the Sierra Club.

Mr. PROXMIRE. Who do not have any financial ax to grind—unlike American Airlines and McDonnell-Douglas which may make profits out of the SST and are on the panel to judge its environmental impact.

Mr. BIBLE. I know the former president of the Sierra Club, the present president, the vice president. They are all close personal friends of mine. I have had a great many dealings with them. I have confidence in them. They visit with me frequently on park and conservation problems. I think they afford a very useful function. I think the suggestion the Senator is making is a very good one.

Mr. MAGNUSON. I have been a member of the Sierra Club for 40 years. Maybe they will put me on. I have been a member longer than anybody around here.

Mr. PROXMIRE. But I think the Senator has an attitude toward the SST that should disqualify him, as mine should disqualify me the other way.

Mr. MAGNUSON. If they keep the Senator from Wisconsin off, then I will stay off.

Mr. PROXMIRE. I realize that these questions are somewhat technical. Perhaps the Senator would prefer that I put them in the RECORD and he supply the answers.

Mr. BIBLE. Either way, because if I cannot answer, I will tell the Senator I cannot.

Mr. PROXMIRE. What amount of research is going to be made by the Magruder team on possible weather modification, depletion of upper atmosphere, possible effect on polar ice caps, possible effect on cirrus clouds in the upper atmosphere, possible effects on ultraviolet radiation in the atmosphere, possible structural damage neurological disturbances, and so forth.

What do they intend to do to find the answers to those questions?

Mr. BIBLE. I want to thank the Senator from Wisconsin very much for the high compliment he has paid me. If I knew what they were going to do in all these things, I probably would be eligible for the Nobel Prize.

Mr. PROXMIRE. If they cannot tell us what they are going to do about them, how can we have any assurance that the $27 million SST environmental * * * will protect the environment. They are going to spend the taxpayers' money——

Mr. BIBLE. Permit me to finish the answer, because I just got started on my answer.

Mr. PROXMIRE. Very well.

Mr. BIBLE. But I would assure the Senator from Wisconsin that, as he knows, I am not a scientific or atmospheric specialist. I know something about weather modification. I would hardly qualify as an expert. I do not know what the Magruder team is going to do in this field. If the Senator from Wisconsin will give me the written questions, I assure him I will ask Mr. Magruder personally to answer the questions, because I could not speak for him. I do not know what he is going to do in this area.

I assure the Senator that we are all acting in good faith. My son blessed me with a grandson on Thanksgiving Day. I want to have an environment where he can live and breathe, just as does the Senator from Wisconsin. If I thought this was going to have the devastating effect some people think, I would not be in favor of it. I have five grandchildren and I am very proud of them. They are going to live in the generation of the SST, whether they are our SST's or some other country's SST's, and I do not want them getting into environmental problems any more than the Senator from Wisconsin does.

Mr. PROXMIRE. That is exactly the point. This is why we feel we should have an environmental policy committee which would have the competence, the objectivity, and the knowledge to give us the answers. When we have American Airlines and McDonnell-Douglas and others promoting the SST on the panel, we are not likely to get such objective answers. We have now in our approval or disapproval of the SST money the bargaining power to get the answers. We should insist on them before we go ahead with the program, and not say we are going to have them later, and not say, "Well, next year. We will approve this program and then see what we can do to get someone with competence on it." We ought to do it before we get the biggest appropriation of any single year for the SST from the Federal Government.

Mr. BIBLE. I think we have to move ahead to get the prototype. The Senator and I have different ideas as to the functions and the results of the SST. That is his privilege and mine. We have an environmental council now. I do not mind broadening its capability. Nobody wants to walk into a committee that, as we say out our way, is stacked. I do not want that any more than the Senator from Wisconsin does.

If the Senator will supply me with the questions he has prepared, I will try to get them to Mr. Magruder, because we are likely to be on this subject for the next couple of days.

Mr. PROXMIRE. The Senator can be assured of that.

Mr. MAGNUSON. We have an environmental council. Mr. Ruckleshaus will have charge of that, and the council can issue orders.

They could issue orders against any aircraft, or any type of aircraft, to prevent it from doing this or doing that.

Mr. PROXMIRE. May I say to the Senator from Washington that the answer there, of course, is that we know what happens under these circumstances. President Nixon appointed an ad hoc panel on the SST in 1969. They made a study and found almost unanimously against the SST. Everyone who spoke out on it said that for one reason or the other it was a turkey.

Then, after the President changed his mind, or made the administration position clear, they all got into line and were for it.

So if President Nixon says he is for the SST, we are unlikely to get his appointees to veto the flight of the SST, the money having been spent and the President having put his reputation on the line.

Mr. MAGNUSON. Of course, I do not know the man. The Public Works Committee held hearings, and were satisfied, and he immediately issued orders on oil pollution, very quickly. He is an independent man, and they would have charge of this; they could tell any aircraft, I do not care what it is, that if they are doing something that violates their rules, or what they think are fair guidelines, to cease and desist; they can fine them or make them cease flying. So there is an agency.

I do not know how we could have a private agency do this. You have to have an agency of government. Someone has to appoint them, and normally the President of the United States who happens to be in authority appoints them.

Mr. PROXMIRE. Of course, I am asking for something else. I am asking for information so we can make a judgment on whether or not the SST is going to pollute the environment before, I repeat, before we go ahead and permit production of the plane. I am not confident, in view of the people who have been appointed, that we are going to get that, and I do not want to rely on executive agencies to disagree with the President strongly enough to prevent this plane from flying.

Mr. President, I understand that the Senator from Wyoming would like the floor briefly; so I yield the floor at this time.

Mr. BIBLE. Mr. President, if the Senator has yielded the floor, I have nothing further to say on this subject tonight. The Senator from Wisconsin asked a number of questions, many of them technical, and I can assure him that we will supply the answers just as promptly as we can secure the correct answers. I do not believe anyone else wishes to speak at this point for or against the SST. I, too, had indicated that I would yield to the Senator from Wyoming.

Mr. PROXMIRE. Mr. President, before the Senator yields, if he will permit, just to clear up the parliamentary situation, I should like to withdraw my motion.

Mr. BIBLE. Mr. President, I believe I now understand why the Senator made his original motion. I guess we will recess—do we recess when we finish tonight? Is that correct; has unanimous consent already been granted?

Mr. KENNEDY. No, it has not been; but it is the intention of the leadership to recess.

Mr. BIBLE. I thought the majority leader got a unanimous-consent agreement earlier today to recess all of the next few days, but I may be in error.

Mr. KENNEDY. That may be true. In any event, we will be in recess until 9 a.m. tomorrow.

Mr. BIBLE. In any event, I now yield for the evening. I shall return at 9 o'clock tomorrow.

PAY SYSTEM FOR PREVAILING RATE EMPLOYEES—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pages 41490–41493, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, this legislation provides for an overhaul of the wage board prevailing rates pay system for some 800,000 blue-collar Federal employees.

The conference agreement is substantially identical to the provisions of the bill passed earlier by the Senate. It provides a framework for developing a uniform system of wage board employment and pay, sets up an advisory committee with employee participation and adds an extra step within each pay grade so that employees at the top of a grade will be paid 108 percent of the prevailing rate in the locality.

The bill extends the prevailing rate system to employees of the Department of Defense who are paid out of nonappropriated funds. These people usually work in PX's, canteens, officers and enlisted men's clubs, and other profitmaking ventures of the Department of Defense which are not paid for by the taxpayer. Their pay has been proven to be inconsistent with fair wage standards and this legislation will bring that practice to an end.

The conference has done its best to develop a bill that will be acceptable to the administration. Wage board employees have been the stepchildren of Congress for 108 years. The time to insure their fair treatment and to recognize their great contribution to the Federal service has come and I hope that this legislation will be approved by the Congress and the President to achieve that worthy goal.

Mr. FONG. Mr. President, I urge the Senate to approve the conference report on H.R. 17809, a bill to fix and adjust the rates of pay for Federal prevailing wage system employees. These employees are commonly referred to as blue collar employees.

This conference report, in all but three comparatively minor instances, is the Senate bill approved on September 10, 1970.

The provisions of this bill replaces many of the regulations issued by the Civil Service Commission and other executive agencies regarding the Federal blue-collar wage structure.

Essentially, this measure gives Federal blue-collar workers who have been in service for more than 4 years a 4-percent increase by adding a fourth step to the three steps already in the blue-collar wage structure. This means that Federal blue-collar employees could move up an additional step in their career progression. This would encourage Federal workers to remain in the Federal service. Presently, a Federal blue-collar worker enters the Federal service at the first step of his particular grade. The first step of each grade is equivalent to 96 percent of the prevailing wage in private industry. In 6 months of satisfactory service he would move up to the second step of the grade which is 100 percent of the prevailing wage. In another year and a half of satisfactory Federal service the employee would move up to the third step in the grade, which is equivalent to 104 percent of the prevailing wage. This bill would add a fourth step to each grade which would be 108 percent of the prevailing wage and would be reached in an additional 2 years.

The bill also brings the nonappropriated fund employees of the military services and the Veterans' Administration canteens under the Federal prevailing wage system. There are approximately 139,000 nonappropriated fund activity employees in the United States. All except those in administrative positions would come under the blue-collar wage system.

Although the bill calls for four steps in each blue-collar grade, the supervisory grades now have five steps rather than the present three. This bill would allow the continuation of those five steps for supervisory and other special industry-oriented grade levels.

The bill also authorizes the establishment of a Federal Prevailing Rate Advisory Committee composed of 11 members appointed by the President from employee representatives and those executive agencies employing the most wage board employees. This committee would allow both employee and administration representatives to meet for formal exchanges of ideas regarding the Federal blue-collar wage system.

The cost of the provision in the bill increasing the number of steps in each blue-collar grade from three to four is estimated at $106 million. The cost of including nonappropriated fund employees in the Federal blue-collar wage system is not known.

This is the first comprehensive overhaul and codification of the Federal prevailing wage system since it was established by statute in 1862.

I believe the steps taken by this bill are greatly needed and result in great improvements in the wage structure and administration of the system. I urge my Senate colleagues to approve the conference report on H.R. 17809.

A FAIR WAGE FOR PUBLIC SERVANTS

Mr. YARBOROUGH. Mr. President, I wish to give my wholehearted support to the bill (H.R. 17809) to create a wage board for civil service employees. It has long been one of my goals to insure that our dedicated civil servants are guaranteed a fair wage comparable to wages paid in private industries.

The bill would establish one system of rules under the jurisdiction of a single agency whose functions would be to insure that the same criteria are used for one agency as by another in establishing Federal wage comparability. Furthermore, it would insure that employees have fair representation within the groups charged with carrying out the functions of the act. In addition, employees of profitmaking enterprises operated under the military department will be included in the new system.

As the ranking Democratic member of the Committee on Post Office and Civil Service; as the member of that committee with the longest service on the committee; and as one of the Senate conferees in the conference with the House on this measure, I am proud to cosponsor this measure and urge its adoption by the U.S. Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. BIBLE. Mr. President, I do not wish to mislead anyone who has inquired or may inquire about the SST. I understand when we come in tomorrow morning, there have already been some special orders entered, so the SST will not be the pending business until—may I ask how many special orders have been authorized?

The PRESIDING OFFICER. A total of 1 hour has been allotted.

Mr. KENNEDY. One hour; three different speeches.

Mr. BIBLE. So then it is accurate to say that the SST will be up for consideration at 10 o'clock, and not 9 o'clock?

Mr. KENNEDY. That is correct.

Mr. BIBLE. I thank the Senator from Massachusetts.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

Mr. MURPHY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Would the Senator state the basis of his objection?

Mr. MURPHY. I do not know how much time the Senator wanted. I did not really hear what the Senator said.

Mr. KENNEDY. I asked unanimous consent that there be a brief period for the transaction of routine morning business, with statements therein to be limited to 3 minutes.

Mr. MURPHY. I withdraw the objection. I did not know how long a time would be consumed.

The PRESIDING OFFICER. Is there routine morning business to be transacted at this time? Does the Senator from California desire recognition?

Mr. MURPHY. I do not. I have withdrawn the objection. I desire recognition when the matter requested by the Senator from Massachusetts has been concluded.

The PRESIDING OFFICER. Does the Senator now desire recognition?

Mr. MURPHY. No; I desire recognition, and then I shall be glad to, without losing my right to the floor, yield the Senator from Massachusetts as much time as he desires for the morning business.

The PRESIDING OFFICER. The Senator does not have the floor. Is there morning business?

REDDICK B. STILL, JR., AND RICHARD CARPENTER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the action taken earlier in the day on the bill (S. 1002) for the relief of Reddick B. Still, Jr., and Richard Carpenter be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. KENNEDY. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6400, and that H.R. 6400 be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6400) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill (H.R. 6400) was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that S. 1002 be indefinitely postponed.

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

Is there further morning business?

Mr. MURPHY. Mr. President, I wish to be recognized for perhaps 15 minutes of the Senate's time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and the Senator from California is recognized for 15 minutes.

Mr. MURPHY. I thank the Chair.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE SUPERSONIC TRANSPORT

Mr. MURPHY. I presented a statement to be included in the RECORD, but I have just been told that the statement is considered critical of another Senator, and therefore it will be necessary for me to make the statement on the floor. Therefore, I apologize for keeping the Senate in session this late. I did not think the statement was critical. I know it was not intended to be, and I did not think it was, and therefore I have come, at this late hour, to make this statement, because I would like to have it a part of the RECORD at this particular time.

Mr. President, this is a statement in favor of the SST program, and the carrying forward of the program.

As time goes on, and more and more problems arise to further strain our already overburdened economy, as well as the unpleasant legislative morass in which we find ourselves here in the Senate in the closing days of this session, I am compelled once more to recall the conditions and circumstances which resulted in the Senate's decision, by vote, not to provide the needed funds for the continuation of the SST program.

On the day of the vote, I recalled with some consternation the thousands of organized phone calls and letters made to influence the decisions of Senators. I do not quite understand how this was organized, or by whom, but it was an excellent job.

Then there was the packed gallery, filled with an obviously highly biased group, a partisan group, to the extent that the Chair had to give a warning that any unwarranted outbursts would result in the gallery being cleared; and a sort of holiday Mardi Gras mood seemed to fill the halls after the result of the vote was announced. One got the feeling that much of the exuberance was the result of partial information, mixed with the type of highly charged juvenile enthusiasm which one would find at a football game. It seemed well organized and well motivated, and I hope that the factual basis for the outburst was as carefully planned as the motivation and the result that I saw.

Much of the opposition to the SST program, I believe, was based on questionable opinion and unsubstantiated information. Many arguments and reasons which were realistic and practical, to my mind, were completely overlooked, such as the effect—the real effect—of the sonic boom; the effect on the environment actually, not hypothetically; the airport noise; the side noise from engines which had not been built yet; the effect on the employment situation; and the overall future position of the United States of America in the world aerospace industry picture.

I also suspect that there were some who perhaps let partisan politics enter into their consideration, and I think that if this were the case, it was unfortunate.

Mr. President, the other day, one of the alleged Demorcatic candidates for President, my good friend, the Senator from Maine (Mr. MUSKIE) told me that he had "leaked information" of a report of a so-called Presidential ad hoc committee on the supersonic transport, which report had been delivered to the President in March of 1969.

He spoke at length against the SST program, based on a paper from which he read, which he told me later, and said in the Senate, was a leak. He seemed to base his objections to the supersonic transport program on what he said the report contained. He did not show this body the report, nor did he make it part of the RECORD; but he asked us instead to accept his interpretation of the report.

I think that, in fairness, my good friend, the distinguished Senator from Maine, should have told the entire story of the report, which I would like to do at this point for the RECORD.

There was, indeed, an ad hoc committee put together in February 1969 consisting of representatives of seven Government agencies. In their report, which was requested by the President, not one agency recommended the termination of the SST program; and any criticism put forth in the report seemed to be outside the area of interest or the job description of that particular reporting agency.

Therefore, in 1970, President Nixon went back to those seven agencies, plus nine or 10 other agencies, and asked that they again file a report on any and all information they might have on the SST. He asked, also, in this case that they stay within their job description and area of interest in this report. The report of July 1970, which is part of the record of the SST hearings, contains endorsements of the SST program from all—I repeat all—of the reporting agencies.

I ask unanimous consent that the letters constituting that report be printed at this point in the RECORD.

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

AUGUST 25, 1970.

Hon. JOHN C. STENNIS,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Administration last year conducted an intensive appraisal of the Supersonic Transport development program. On the basis of that review, the President recommended to the Congress in September that the program should go forward.

Recently the President asked the mem-

bers of the Cabinet chiefly concerned with this, as well as the heads of other interested agencies of the Executive Branch, to review the program and to bring him up to date on their current thinking about its merits. In the context of your Appropriations Subcommittee hearings on the Administration's Fiscal 1971 budget requests for the Department of Transportation—and as you turn your attention to the SST—you might find these current comments from the various Departments and agencies useful.

With every good wish.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

THE SECRETARY OF STATE,
Washington, D.C., July 30, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In accordance with your letter of July 23, 1970, we have reexamined those matters related to the SST which are most directly related to this Department's responsibilities.

One matter of prime concern is the progress of the British-French Concorde program. The best information available to the Department indicates that technical aspects of the Concorde program are progressing favorably. Flight tests to date appear to have been satisfactory. In fact, greater speeds than planned were attained with the first generation engines. As a result, the construction of 12 aircraft has been authorized, including six production models, two prototypes, two pre-production models and one each for static and thermal testing. The economic viability of the program remains to be proven when tests at the Mach-2 level are undertaken later this year with a new engine.

We understand also that consideration is being given to a second-generation Concorde which would be comparable in size and economy to the U.S. SST and that the Federal Republic of Germany may decide to join Britain and France in the Concorde project. It has been estimated that another $500 million in new financing would be required, but the consortium of companies already in being is technically qualified to proceed with a Concorde 2.

The Department also takes an active interest in developments in the international aviation sales market. In recent years the U.S. aircraft industry has had great success in overcoming its competition: for example, our 707's and DC–8's have almost completely taken over the long-range jet market. Consequently, foreign producers have sought out sectors of the market not covered by the U.S. industry. In the future, however, the European Airbus (A–300 B), the BAC 311, the Dassault Mercure and others will come into competition with U.S. planes.

The success of U.S. aircraft manufacturers to date has resulted, in part, from the large U.S. market, but perhaps more importantly has been attributable to the ability of the U.S. industry to identify new market sectors and excel in relevant technology. A successful SST program would tend to preserve both the fact and image of U.S. aircraft leadership and thus could support our competitive position in the overall commercial aircraft market.

Respectfully,

WILLIAM P. ROGERS.

THE SECRETARY OF THE TREASURY,
Washington, D.C., August 1, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: This is in reply to your letter dated July 23, 1970, requesting my current opinion of the SST program, especially as it relates to the responsibilities of the Treasury Department.

In the ad hoc review committee for the SST last year, Treasury did not support heavy further commitment of Federal funds at that stage. This position was based on our evaluation of the SST impact—given circumstances at that time—on matters relating specifically to areas of Treasury responsibility. We noted, for example, that the overall balance of payments effect would probably be negative in the absence of a viable foreign competitive aircraft. There were, in addition, many unresolved questions concerning the economic viability of the project. Therefore, on the basis of matters of direct concern to Treasury, we recommend continued design and engineering research only which would, nevertheless, keep open the option of Government sponsorship of production at a later stage should circumstances change.

At that time I indicated to you, however, that, were I responsible for making the decision in which all factors—economic as well as others—had to be considered, I would go forward with the program in order to maintain the United States' position of leadership in this field.

Since Treasury's recommendation in the ad hoc review committee, we nave followed developments affecting the SST with considerable interest. We have been informed by other departments that circumstances have changed materially in the last few months. In this respect I understand that flight tests of the Concorde have produced better than expected results. It now appears that a viable foreign competitive aircraft will be in service in 1974. Based on this expectation, Treasury's reservations concerning the balance of payments impact on tourist account would be substantially changed. Further, I understand that the Department of Transportation has made new calculations of the favorable impact on the U.S. trade account over the next twenty years resulting from a decision to proceed with the U.S. Supersonic Transport. The assumptions on which these calculations are based seem reasonable.

The key to these assumptions, of course, rests on whether the Concorde will be a commercially viable aircraft. This now appears to be the case. Consequently, Treasury reservations expressed previously to going forward with the SST program have been significantly altered.

You have my strong endorsement for the project.

Faithfully yours,

DAVID M. KENNEDY.

THE SECRETARY OF COMMERCE,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is in response to your letter dated July 23 requesting our current opinion of the SST program and its effects on such matters as the balance of payments, the environment, employment, or the economy and commerce of the Nation as a whole.

Attached are two memoranda prepared by our Department relating to this matter. One, prepared under the direction of Dr. Passer, Assistant Secretary for Economic Affairs, treats the economic aspects and recommends strongly that the SST program proceed. The other, prepared under the direction of Dr. Tribus, Assistant Secretary for Science and Technology, concludes that present environmental data do not justify a suspension of the program while further desirable scientific studies continue.

Thus, from the standpoint of those aspects of the matter which are within the expertise of this Department, we recommend that the SST program go forward.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

From: A/S for Economic Affairs.
Subject: Economic Ramifications of the Supersonic Transport.

At your request, we have reviewed the economic impact and implications of the supersonic transport program. Our conclusion, in brief, is that the decision to build, or not to build, an SST in this country is very important from the standpoint of employment and the balance of payments. An American SST program will mean a higher level of employment in those areas where aircraft manufacturing is concentrated, a substantially stronger industry, and a more manageable international financial position.

KEY ASSUMPTIONS

Many previous studies of the SST program have been made, and we have no intention (nor the engineering expertise) to duplicate the earlier work. While we recognize the many uncertainties involved, we have accepted the key conclusions of the most recent Department of Transportation study as basic assumptions in our analysis—specifically, the technical feasibility of the program, the costs of production, and the operating characteristics of the airplane including its payload, speed and range.

We have also accepted, in a general way, the conclusions of that study on the volume of future intercontinental travel, the size of the market for U.S.-built SST's, and the employment that will result from this program. Our impression is that, allowing for a normal margin of error, these are reasonable projections. Indeed, the expected volume of air travel, which is projected to grow at 10 percent per year through 1990, may be conservative in view of the growth rate of 15 percent per year that has pertained for the past two decades—and the 16 percent per year average for 1964–69.

Another crucial consideration in this issue is the technical and commercial feasibility of supersonic commercial aircraft. Last year, the Presidential SST Review Committee concluded that the Concorde would never enter commercial service. Today, it is not reasonable to make that assumption. Two Concorde airplanes are flying supersonically, and the program shows every indication of being completed on schedule (1974). In addition, the Russian SST, the TU–144, has flown at twice the speed of sound. An improved version is reportedly under development.

Thus the supersonic air transport is a reality. There is no longer a question of whether SST's will be used. Their great speed ensures their popularity on long flights. Just as the subsonic jets replaced the previous generation of aircraft, the supersonics will take over the transoceanic routes, which represent a substantial and rapidly growing volume of business.

The question now is not *whether* but *which* SST's will be used. The difference is crucial: under the assumption that no commercial supersonic planes would be in service, American dominance of the jet aircraft industry would very likely continue; with SST's in the air, that dominance comes into question, unless the U.S. SST becomes a reality.

A further meaning of the success of the Concorde is the threat it contains to our prospects for sales of subsonic aircraft. Because of "family-of-aircraft" tie-ins, it is highly likely that loss of the supersonic market will bring with it some loss of market share in sales of the subsonic jets, which would continue to be used for flights over land areas.

IMPACT ON EMPLOYMENT

If the U.S. proceeds with an SST program, there would be a substantial employment effect in the aircraft industry, which employs some 700,000 workers. This is an especially important consideration during the current period of declining defense and aerospace employment. Many thousands of jobs in related industries also would be created. This increase in the aircraft industry translates into billions of dollars of gross national product, as the income effects spread throughout the entire economy on a "multiplier" basis. At peak production, the U.S. SST program would directly involve approximately 50,000 workers; including secondary and indirect effects the total would probably reach 100,000 or even 150,000.

If, alternatively, the U.S. determines not to undertake the development of its own SST, the U.S. aircraft industry would suffer a substantial loss of sales as airlines purchased the foreign-made Concorde or TU–144 and as the demand for U.S. subsonic jets and other nonsupersonic aircraft declined.

To realize the full extent of the employment impact of the SST decision, it is important to understand two key structural aspects of the aircraft industry. First, the industry is heavily concentrated geographically. The total employment effects of a U.S. SST program would of course be widespread. But the direct effects would be highly localized in such aerospace centers as Seattle, Los Angeles, Wichita and Evandale. These areas are already affected by defense cutbacks. Clearly the SST is of great importance to their economic health.

This is not to claim that no offsetting developments would take place. The companies could enter other lines of business, and new industries could move into the areas. Some workers would find employment elsewhere. Retraining and relocation assistance would probably be available. Nevertheless, the transition period could be a long one and the adjustment process could be difficult for many workers and their families.

The second key structural characteristic of the aircraft industry is its concentration of professional and highly skilled occupations. A substantial decline of the industry would endanger the executive and scientific leadership and knowhow that has been assembled and developed over the past decades. Once this highly trained and technologically efficient team has been disassembled considerable time, effort and money would be required to rebuild it, in the event of a large defense requirement or other national needs.

BALANCE OF PAYMENTS IMPLICATIONS

It is not necessary to review the importance of a viable international payments position. The balance of payments has strong economic and political significance for any country, and especially for the United States in view of the key role of the dollar in the international monetary system.

A major element in the balance of payments is the balance of trade. After many years with a strong merchandise trade balance, the U.S. position deteriorated sharply in the late 1960's. A modest gain is being realized this year, but the prospect for a sustained significant improvement in the years ahead is not promising. The five-year lead of the Concorde is, in fact, a significant element in that outlook.

At present foreign airlines purchase a large share of the subsonic jets produced in the U.S. Thus, while the merchandise trade balance in total has been deteriorating, the "civilian aircraft, engines, and parts" component has contributed at least $900 million surplus each year during the past decade, and as much as $2 billion during 1968 and 1969.

If the U.S. does not develop its own version of the SST, the adverse impact on our balance of trade will be of very substantial proportions. The latest estimates of the Department of Transportation for the period 1978–1990 range upward from $16 billion, depending on a variety of assumptions. These are large figures and of course they are subject to the usual uncertainties. They appear to be reasonable, however, when account is taken of the probable import of foreign-made SST's for use by U.S. airlines, and the probable decline in exports of U.S. aircraft in the absence of a U.S. SST.

Not all of the impact on the balance of trade translates directly into an impact on the balance of payments. Deferred payment plans, effects on foreign travel, and a variety of other offsets, may temporarily or permanently dilute the net favorable trade balance.

Nevertheless, sales of SST aircraft and spares would make a very large and favorable addition to the U.S. balance of payments during future years. If the U.S. program should be terminated, U.S. airlines will have to purchase many more Concordes than now expected, in order to remain competitive with foreign airlines, and this would have a very large negative effect on the U.S. balance of payments. Sales of our subsonic jets would probably also be reduced. In effect, the continuation of the aircraft industry's historic role as a major contributor to our balance of payments depends on the successful development of the SST.

In sum, in the absence of an SST program, the United States would each year have to earn, from one source or another, an additional billion dollars or so—perhaps as much as two billion of foreign exchange. This is not an easy task; it could mean considerable difficulties for the international financial position of the United States and for the economy.

TOURISM

A special aspect of the SST's impact on the balance of payments is the extent to which foreign travel is promoted by the development of the SST. An earlier review of the SST program concluded that the overseas expenditures of tourists "induced" by the SST substantially offset the favorable balance-of-trade impact of sales of the aircraft.

No conclusive answer to this question is possible. In our judgment, the offset is small. First, it is questionable, in view of the rapid growth rate of overseas travel already established, whether the addition to the travel deficit induced by the SST is of a very substantial magnitude. Second, tourism is a two-way street; some foreigners will be induced to travel here just as Americans will go abroad. Third, because of the success of the Concorde—contrary to the assumption made in the earlier review—the inducement is present, to a considerable extent, with or without a U.S. version of the SST.

THE ASSISTANT SECRETARY
OF COMMERCE,
Washington, D.C., August 1, 1970.

Subject: Response to White House 380, DOC Position re SST effects on the Environment.

To: Rocco C. Siciliano, Under Secretary.

The President, in his letter of July 23, 1970 to Secretary Stans states that debate over the SST has continued in Congress and elsewhere around the country. He asks, in part, for an expression of the Secretary's current opinion of the SST program and its effects on the environment.

This memorandum is directed to the Department's responsibilities as they relate to potential changes in weather and climate. The memo is divided into two parts: the first is concerned with current opinion based upon best information now available; the second is concerned with proposals for supplying information now lacking to help resolve areas of uncertainty. Noise effects, not a DOC primary responsibility, are not included.

1. CURRENT OPINION

Based on information from past and ongoing research, no significant effects on the weather or climate due to the SST program have been identified. However, in the absence of more complete data, sufficient uncertainties exist that additional information should be obtained.

A symposium [1] just concluded has identified two plausibe mechanisms by which the SST can effect weather modification. These are: the creation of persistent cirrus contrails in vulnerable regions and consequent alteration of the radiation balance; significant heating of the stratosphere through an increase in the sulphate aerosol layer from exhaust products with subsequent absorption of radiation.

The previous conclusions were based on examination of the effects of the engine's exhaust of H_2O (as vapor) and CO_2 on the radiation balance.[2 3 4].

One additional aspect relative to H_2O and O_3 (Ozone) has received some preliminary assessment. It has been hypothesized that the addition of H_2O could lead to accelerated destruction of O_3 and thence to increased and possible deleterious ultraviolet radiation at the earth's surface. A reexamination of reaction rates (informal discussions by L. Machta with various scientists) concludes the change in O_3 concentration would be small and well within the day to day variability of the natural O_3 concentration.

The latest opinion evolved at the M.I.T Summer Study of Critical Environmental Problems is that the documented increase in global CO_2 and the apparent increase in stratospheric water vapor can act in concert to make the stratosphere more vulnerable to ice cloud formation. Manabe and Wetherald [5] calculate the increase in CO_2 has a greater effect in cooling the lower stratosphere than in surface warming. Inceased water vapor concentration could increase the frequency of ice cloud formation at polar latitudes but the probability or consequences of such increases are not considered large. It is worth investigating further.

It has also been discovered that, subsequent to the Mt. Agung volcanic eruption in 1963, both a large warming (6°–7° Centigrade) and a 30-fold increase in sulphate aerosol has been observed.[1] The warming is attributed to radiation absorption by the increased aerosol. The sulphur could end up in solid particles of ammonium sulphate due to certain postulated chemical reaction in the stratosphere. The basis for this conjecture is the analysis of the Mt. Agung eruption, which produced large quantities of SO_2. A fleet of 500 SST's, on this basis, could produce the effect of a Mt. Agung every 10 years. I hasten to add that this figure is uncertain. Further, the sulphur content could be reduced, now that this effect has been spotlighted. The degree of reduction depends on how much we are willing to spend.

Both these mechanisms are of considerable concern to the scientists involved in this analysis. Resolution of these issues requires additional data and research.

2. PROPOSALS FOR SUPPLYING INFORMATION

A substantial program of weather and climate research directed to resolution — uncertainties has been designed by DOC and forwarded to DOT [6]. The program has not yet been approved or funded. We understand DOT is seriously considering approval.

Previous documented studies did not address the possible weather or climate factors related to engine exhaust products and stratospheric chemical and photochemical interactions. The emissions of sulphur compounds, hydrocarbons and particulates are candidates for the production of weather or climate effects. The complete role of H_2O in the stratospheric environment (radiational,

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Footnotes at end of article.

catalytic and synergistic) has not been evaluated.

The research needs therefore are:

(A) Short term studies of areas where effects are suspected in order to resolve or narrow the uncertainties in the SST decision time frame:

(1) A significant increase in the *in situ* monitoring of the stratosphere at SST altitudes for the amounts and composition . . . and particulate material and of H_2O, including samples obtained in the exhaust wake of supersonic aircraft;

(2) Laboratory simulation and studies of stratospheric chemical and photochemical reactions and reaction rates;

(3) Experimental attempts to create stratospheric contrails in susceptible areas accompanied by experimental and theoretical studies of radiation budgets of cirrus clouds;

(4) Numerical geophysical modeling to evaluate the weather or climate effects of the suspect areas and to accept and incorporate (1), (2) and (3) above.

(B) Continuing programs to monitor and model the "background" (i.e. relatively clean air) environment. These programs meet two needs, documentation of the actual perturbations occasioned by routine supersonic "fleets" and hence insurance against overlooking a significant effect and, documentation of changes due to entirely different mechanisms (e.g. volcanic activity) that might otherwise be attributed to SST orgin. (This matter is not a trivial consideration judging from problems that arose in attempts to connect nuclear explosions and weather changes.)

These programs include:

(1) Establishment and long term operation of a system of geophysical observations of solar radiation and attenuation in selected spectral bands, vertical profiles of particulates and of electrical properties, carbon dioxide growth and constituents of precipitation.

(2) Periodic sampling of stratospheric gaseous and particulate composition.

(3) Advanced numerical modeling of atmospheric chemistry—weather or climate relationships.

This research design is described in more detail in the letter and attachment from ESSA Administrator White to SST Program Director Magruder, at his request, dated June 8, 1970.[6]

THE PROPOSED COMMERCE TECHNICAL ADVISORY BOARD PANEL

In addition to other DOC involvements, the Department of Transportation has asked DOC to form a CTAB SST Environmental Research Panel to further investigate concerns expressed over potential world weather and climatic changes from SST operation with particular (but not necessarily exclusive) reference to the following:

An increase in upper air water content;

A decrease in upper air ozone content with subsequent increase in ultraviolet radiation;

A change in atmospheric temperature through disturbance of the radiation balance;

An increase in cloud cover through contrails.

The Panel will also analyze whether SST passengers and crew will experience radiation exposure probelms.

For each of these questions, and other environmental questions that may be identified, the Panel will advise on:

Whether enough information is available to provide definitive and unequivocal answers at this time.

Whether research programs are underway, in the U.S. or in foreign countries, where inadequate information exists.

Whether planned research programs are designed to produce definitive answers prior to appropriate decision points in the U.S. SST pogram.

Initial CTAB discussions on these environmental questions will take place at its September meeting. If CTAB approves a Panel charter, a chairman and Panel will be selected at that time. A final CTAB report is expected to require one year of study.

SUMMARY

(1) An R&D program designed to resolve concerns that the SST could alter weather or climate has been proposed by DOC to DOT.

(2) A continuing environmental surveillance program intimately related to SST development must be continued as a long term effort.

(3) Primary technical competence in DOC for conduct of this research is in ESSA and NBS.

(4) A Commerce Technical Advisory Board Panel to report on potential weather or climate changes due to the SST has been proposed.

(5) The probability of environmental damage is large enough to warrant a study but not large enough to indicate a postponement of the SST program, especially since a commitment regarding SST production is two years away.

FOOTNOTES

[1] The M.I.T. Summer Study of Critical Environmental Problems, July 1970.

[2] NAS/NRC Panel "Weather and Climate Modification," No. 1350, 1966.

[3] L. Machta, Personal Communications, February 16, 1969; May 5, 1969.

[4] H. S. Appleman, USAF, Report No. 20, June, 1965.

[5] Manabe, S. and R. T. Wetherald, 1967, "Thermal Equilibrium of the Atmosphere with a Given Distribution of Relative Humidity," Journal of Atmospheric Sciences, V. 24, No. 3, pp. 241–259.

[6] Environmental Research Program, June 22, 1970 (attached).

MYRON TRIBUS.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 31, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of this letter is to convey my views on the SST Program. Three reasons prompt me to favor proceeding with this program.

First, through the years the Nation's leadership role in commercial aircraft production has contributed greatly to its economic strength. Such production capitalizes on two of the Nation's foremost assets—advanced technology and technically skilled manpower.

The Nation's leadership in commercial aviation has sprung from one thing. We have consistently led the world in the state-of-the-art—the advanced design and modern method production of superior commercial aircraft. We should not lightly dismiss the many consequences of loss of this leadership. Clearly our leadership position will be forfeited if Federal Government support for the SST is not forthcoming.

Second, a considerable inter-relationship exists between commercial and military aircraft, in production capability and in technical advances. Production of both types of aircraft requires skilled employee teams—teams of researchers, designers, planners, assemblers and testers. It is clearly in the interest of the Nation's security to keep intact skilled teams capable of such effort. This may, perhaps, be doubly important at a time when expenditures for military aircraft are being reduced to conform with national priorities. In keeping such teams together, the SST Program serves as a form of national security insurance.

Third, the basic manpower talent needed for production of this product is now available in abundance and can be expected to so continue. For the first time in two decades, engineers, skilled technicians and capable aircraft mechanics are not in restricted supply. In fact, some of the Nation's softest labor markets may today be found in aircraft producing centers. Considering the planned further war time to peace time conversion activity, it cannot be contended that additional jobs would be created by the SST Program. With the SST Program, however, many jobs would be saved for workers who otherwise may be lost to the industry with their skills used less advantageously elsewhere. Many local and personal employment and economic situations may thus be kept from becoming critical.

For the foregoing three reasons, the SST Program appears to be a wise investment for the Nation.

Respectfully,

J. D. HODGSON.

THE SECRETARY OF DEFENSE,
Washington, D.C., July 31, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Much of our nation's defense strength resides in the technical capabilities of our industry, and in a broadly applicable, readily available technological data base obtained from an aggressive research and development program.

Accordingly, there are clear national advantages to the further development and growth of aeronautical technologies such as titanium, propulsion, operational techniques, etc., that are inherent in supersonic cruise vehicles such as the Supersonic Transport, and which are currently not available elsewhere in the free world, and to an aircraft industry kept healthy, viable, and responsive to technical challenges and opportunities. Once such a national resource is allowed to weaken and become diffused, it is exceedingly difficult and costly to re-establish.

Unfortunately, maintaining this aeronautical strength is becoming more difficult. As the Subcommittee on Advanced Research and Technology of the House Committee on Science and Astronautics has noted, the increasing divergency of military and civil mission requirements in U.S. aviation is now resulting in less joint exploitation of this technological base, and fewer cases of common hardware development. The Supersonic Transport, however, is a program which will provide inputs to the data base that will contribute to both military and civil aviation technological interests.

As you know, we normally assess our defense needs by comparison with the potential military threat; however, to ascertain our over-all position it is also necessary to measure our national economic needs and their relation to aeronautical technology. A useful indicator is our balance of trade with the rest of the world. Data from the Aerospace Industries Association of America for 1969 indicate a net favorable balance of $1.6 billion with the aerospace contribution representing some $2.8 billion or 180 percent of this net balance. Because of the significant contribution of the aerospace industry to a favorable trade volume, it appears essential that we take the necessary steps to assure our continued leadership in aviation. The projected export potential of the Supersonic Transport should provide a valuable contribution in this area.

The prospect of commercial supersonic flight is new to the civilian community, and a great deal of discussion has arisen concerning possible effects on passengers and environment. We have been operating Navy and Air Force aircraft at supersonic speeds for two decades without suffering significantly the adverse effects many environmentalists now predict will result from Supersonic Transport operation. While it is recognized that the experience acquired in military activities may not be directly appli-

cable to all problems anticipated for the Supersonic Transport, I believe that for the most part—especially with respect to reputed radiation exposure and aircraft safety—the knowledge we have acquired is pertinent and applicable. I believe the Supersonic Transport program is making effective use of this experience.

While the Defense Department is not a direct participant in the Supersonic Transport prototype development program, we recognize that the country's position, both civil and military, will be enhanced significantly in meeting the challenge implicit in the Supersonic Transport program. We will continue, therefore, to assist in efforts to relate our experience to Supersonic Transport needs, and to help carry forward a program that promises such an irreplaceable benefit to our national security and economy.

Respectfully yours,

MELVIN R. LAIRD.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In reply to your letter of July 23, 1970, may I say that a number of developments have occurred during the past year, both here and abroad, which reinforce my conviction that the Supersonic Transport program is compatible with our National environmental and economic objectives, and that an American SST is essential to the continuing leadership of the United States in the world aviation market.

Earlier this year I relocated the Office of Supersonic Transport Development from the Federal Aviation Administration to the Office of the Secretary, reporting directly to me. The new Director of the Development Office, William M. Magruder, has brought to the program new insights from his broad technical and industry experience which, together with other events bearing on the SST issues, lead me to conclude that a complete up-to-date reappraisal of the program is indeed in order.

We have learned, for example, that the flight tests of the Concorde have been highly successful, and the Russian TU–144 is proceeding with apparently equal success in its performance tests. The affirmation of Prime Minister Heath's government in the continuation of the Concorde, together with reliable reports that an improved Concorde may be in preparation, indicates, in my judgment, a determination on the part of the European aviation industry to penetrate deeper into the free world air transport market.

A new assessment by my Department of the economic consequences resulting from a U.S. forfeiture of the supersonic transport market reveals a larger potential dollar impact than previously estimated.

With an improved Concorde having greater economic appeal to the airlines, the unfavorable trade balance could reach $22 billion, assuming greater demand for the British-French Concorde and a diminished demand for U.S.-produced subsonic jets.

To assure the environmental acceptability of the SST, and to allay fears concerning any possible adverse effects from supersonic aircraft operations, we have established within the Department two advisory committees and a continuing comprehensive research program designed to yield substantive data on the noise and environmental aspects of the SST. This is not a unilateral research effort limited to the Department of Transportation; it enjoins a number of Government departments and agencies, and encompasses, for the most part, on-going research programs already funded and approved. This research activity also acknowledges the presence of thousands of other supersonic aircraft, including Soviet military planes, operating in the same airspace regimes where SST's will fly. The numbers of such aircraft can be expected to increase and the environmental effects of their operations (if any) would be universal. In an additional safeguard action, the Federal Aviation Administration earlier this year issued a Notice of Proposed Rule Making confirming the Administration policy prohibiting flights of civil supersonic aircraft over populated areas at sonic boom-producing speeds.

Another Governmental action; the Airport-Airway Development Act of 1970, reflects the Federal commitment to the development of airports on a non-interference basis with air and water quality standards, and in deference to people's concern over aircraft noise. Grants for Federal assistance to the developers of new airports will be awarded only when environmental safeguards are assured, and when compatible land use concepts are prescribed. The Act, therefore, provides additional assurance that airports, like aircraft, will be developed to minimize environmental conflicts.

My objective, and the goal of the Department, continues to be the attainment of a truly National transporation system, optimizing the various modes, not autonomously but in a complementary manner. We have the means to improve transportation singly and collectively—and to make the movement of people and products faster, safer and more efficient—across town, across the country, or around the world. The SST, with its ability to cut long-distance air time in half, is properly part of that total transportation concept.

Over the past twelve months, the SST program has achieved a world's thrust record in jet engine development, the full-scale engineering mock-up of the SST airframe has been completed, the subcontractor team is now virtually in place, and the program is about to turn the corner to actual prototype construction. In light of the competitive threat posed by the Concorde and the challenge both to our industrial and technical leadership, I respectfully urge that the U.S. SST development program be continued at the pace which will insure the 2707–300 a place in the world market not later than 1978.

I am testifying accordingly before the Senate Appropriations Subcommittee. My convictions concerning the extreme importance of the United States SST program are, I believe, reflected in my prepared statement, a copy of which I am enclosing.

Respectfully yours,

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THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In your letter of July 23 you have asked for my views on the continuation of the Supersonic Transport development program, particularly as to matters relating to the responsibilities of this Department.

I am not in a position, of course, to comment on aspects of the SST program beyond the areas of this Department's responsibilities, nor to attempt to assess the relative priority of the program's claim on our national resources.

Those aspects of the program which do touch this Department's role were the subject of a report last year by the Environmental and Sociological Panel of the Ad Hoc Supersonic Transport Review Committee. As you know, the Committee expressed concern with the potential environmental and sociological problems of sonic boom, airport ("sideline") noise, hazards to passengers and crew, and effects of water vapor in the stratosphere.

It is my understanding that some additional data is now available on some of these problems, but that continuous study and research, aimed at finding real solutions, will be required. We are cautiously optimistic that solutions to the major problems can, in fact, be found.

We have been pleased to learn that the Department of Transportation has developed a research program, utilizing outside experts, designed to resolve the environmental and sociological problems. It is our understanding that the Department of Transportation is working to assure that fiscal year 1971 funds needed to initiate this research will be available; and that completion of this work will be programmed to coincide with completion of the development of the prototype model of the SST. It is also our understanding that information derived from this research will be utilized in the design and operation of the SST and will be taken into account in determining whether to proceed with production of the aircraft.

This Department stands ready on this basis to provide any assistance that may be required during this study period and fully supports your decision to proceed with the SST development program, with this new research component.

Faithfully yours,

ELLIOT L. RICHARDSON,
Secretary.

THE SECRETARY OF THE INTERIOR,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I have given great personal consideration to your July 23 letter requesting views on the SST. The magnitude of the project requires that each member of the Cabinet respond with the highest sense of public responsibility.

Of most immediate concern to my mandate at Interior is the effect of the SST on the environment, specifically in the areas of (1) sonic boom, (2) airport noise, and (3) the addition of water vapor in the stratosphere and related changes in ozone concentrations. I am pleased by the strong efforts being undertaken by Secretary Volpe in environmental research on these issues. I agree with the Council on Environmental Quality that the two prototype aircraft in themselves represent no threat to the environment. Equally, I believe it is important that the horse be kept in front of the cart and that we insure that satisfactory solutions to these environmental problems actually exist before a major commitment is made for commercial production.

We must maintain our technological superiority in air transportation; however, this superiority must be carefully related to environmental and sociological costs.

Respectfully yours,

WALTER J. HICKEL,
Secretary of the Interior.

CIVIL AERONAUTICS BOARD,
Washington, D.C., July 29, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The United States has enjoyed a strong position of leadership throughout the history of air transportation. Over eighty percent of the jet airliners flying the world's routes bear the label "Made In USA". In the development of the Supersonic Transport, more than national prestige is at stake, as this capability to lead the field in increasingly more productive transport aircraft is a great national asset. It means American products for foreign markets; it means jobs for American labor; it means dollars for the American economy.

We lead because the United States possesses the strongest capability to develop,

produce and operationally support aircraft of improved efficiency. We are also the only nation to date whose industry can offer complete families of transport vehicles from a single source, a vital factor in the equipment selection decisions of the world's airlines. The Supersonic Transport will be a key component in the aircraft family.

Our dominance was not easily won, and it is doubtful that, once lost, it could ever be regained. It is a position of strength which, aside from the importance to our domestic economy, has broad and significant international implications affecting the Board's responsibilities. It is, for example, a great support when negotiating bilateral air rights with foreign governments. Furthermore, an American Supersonic Transport, which embodies the characteristic operating efficiencies of our aircraft, will contribute to the maintenance of a reasonable international fare level.

The Supersonic Transport is the next logical development in the family of air carrier equipment. It is clear that an SST will be built, and the competitive nature of international air travel indicates that all of the world's major airlines will operate them. If we abandon this market, we will probably forfeit our leadership with resulting adverse economic and international consequences.

It is the purpose and statutory responsibility of the Civil Aeronautics Board to encourage the development of civil aviation, as well as to regulate air transportation. I believe the Supersonic Transport will promote the development of civil aviation.

The role of the United States as the supplier of over eighty percent of the Free World's transport aircraft has important ramifications which should not be underestimated. In my judgment, that role must be maintained.

Respectfully yours,

SECOR D. BROWNE,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 6, 1970.

MEMORANDUM FOR THE PRESIDENT.

Subject: SST Development Program

In response to your July 23 request I am submitting my views and current opinions of the SST program as they relate to the budget responsibilities of this office.

1. *Balance of Payments.*—The SST program should have a very favorable effect on our balance of payments. As you know, we have maintained a favorable net balance of U.S. aircraft exports averaging over $1¼ billion a year for the decade from 1960 through 1969 while other trade categories have declined. Most of the decline, including such major product items as automobiles, were caused by the high cost of American labor. The principal offsetting factors to such a high cost are expert technology and productivity and certainly the SST program offers both.

2. *Employment.*—We believe that the prototype program for SST involves at least 20 thousand professional and technical jobs, 6 thousand of them in the Seattle area alone. Full-scale production would involve as many as an additional 30 thousand jobs which could clearly help offset current reductions in employment in the aerospace industry generally. If the SST program were eliminated, additional severe cutbacks to the whole industry would be experienced.

While it is true that the SST program has virtually no employment benefits for disadvantaged hard-core unemployed with low skill levels, it is also true that SST employment would substantially increase the personal and corporate income tax collections of the government. In fact, the aerospace industry has long been known as one of those that produce some of the dollars in our economy necessary to pay welfare costs and other human resources needs.

3. *Effect on the Economy as a Whole.*—Development of a successful SST prototype and sale of 500 aircraft would produce a very favorable impact on our national economy.

By the same token, failure to proceed in this field could well mean loss of our leadership in the air transport field. In this connection the "families of aircraft" concept is very important. As you know, it is commonly said that aircraft are sold in families; that is to say, there is a marked similarity in the engines and spare parts of the short-, intermediate-, and long-range transport aircraft, as well as other types, produced by the same firm. Purchasers, once they decide upon a particular aircraft, find it economical and sensible to purchase other aircraft of different types, from the same "family" because of the relative similarity of parts, repair and maintenance work, etc. It is clear that the European manufacturers of SST's are developing subsonic aircraft such as airbuses in the same "family" as their SST's. Thus, if we do not develop an SST as part of a "family aircraft package" and European manufacturers do, we are likely to lose not only the SST sales but also sales of existing subsonic aircraft types. Loss of such sales could add to the existing serious problems of some of our aircraft manufacturers.

4. *Budgetary Considerations.*—The SST development program will require outlays of $275 million in 1971 and $202 million in 1972. The Federal investment in this program would be recouped from royalties on the sale of SST aircraft. It seems reasonable to continue and thereby protect the current national investment (of which the Federal Government has already invested approximately $600 million) in this program if your technical advisers remain confident that a prototype can be built to meet design criteria within the current cost estimate.

I am concerned about further Federal financial support beyond the prototype development phase of the program.

The cost of certification and initial production could run as high as $4 billion. In my opinion, the true test of the SST prototype should be the free marketplace. If investment bankers, air carriers, and aircraft manufacturers have confidence that the SST will be economically viable, they will finance the program.

I very much appreciate your giving me the opportunity to comment on this important program.

CASPAR W. WEINBERGER,
Deputy Director.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., July 30, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In reply to your letter to Dr. Paine of July 23, 1970, I have the honor to give you our current views on aspects of the Supersonic Transport Program that relate to the responsibilities of the National Aeronautics and Space Administration.

A review of the previous technical assessment of the SST made by NASA in March 1969, together with the results of pertinent research efforts in the intervening period, has reaffirmed our judgment that the definition and resolution of problems associated with the development of this aircraft clearly require the flight test of a prototype vehicle. The current review has also reaffirmed our view that the prototype development and flight program as planned should provide the basis for production of an operational aircraft meeting airline requirements.

The successful development of an advanced aeronautical vehicle, such as the SST, normally requires the identification and solution of a number of technical problems. With regard to technical problems identified in the review of 1969, progress has been made in several areas including the inlet system, the advanced flight control system, and fuel tank sealants. Nevertheless, some problems will not see final resolution until the development and flight test of the prototype aircraft is completed. Such problems include structural weight of the vehicle, efficient solution to the aeroelastic and flutter problems, and the achievement of the necessary levels of aerodynamic and propulsive efficiency. These problems must be resolved in an integrated sense without degradation in vehicle performance. Other problems are the development of an efficient long-life engine and the need to suppress noise, particularly sideline noise, that emanates from the jet exhaust. This latter problem has assumed greater significance during the past year in the light of noise restrictions placed by the Government on the operation of subsonic transport aircraft. The imposition of noise restrictions, depending on their severity, on the operation of supersonic aircraft might require modification of the engine design, and its integration into the airframe, for the SST production aircraft.

The National Aeronautics and Space Administration will continue to make its resources available in support of the SST program to assure the maximum success.

Respectfully yours,

GEORGE M. LOW,
Deputy Administrator.

NATIONAL AERONAUTICS
AND SPACE COUNCIL,
Washington, D.C., July 30, 1970.

Hon. RICHARD M. NIXON,
The President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: The National Aeronautics and Space Council and its staff have monitored the supersonic transport activities since the inception of the program. We supported your actions last September when you established this Administration's position favoring continued support of the SST. We have continued to monitor this activity and are strongly behind the program as it is presently proceeding. We believe that the technology at this stage of development is sound and that it will lead to a successful commercial program.

Moreover, the SST is the most advanced aeronautical program now in existence in the free world. Our country's strength in both civil and military aeronautics will definitely be enhanced as the industry meets the technological challenges set by the SST. Over 6500 separate companies will be advancing their capabilities as they participate in the manufacturing process. The SST production represents a prudent investment of government funds in a program of national scope providing business in 39 states across the nation. Over 55% of this activity will be accomplished east of the Rocky Mountains. Approximately 175,000 employees will be involved, and over half of these represent unskilled or semiskilled workers. Fair employment practices prevail throughout, and the level of 1150 "hard core unemployables" presently in training by these companies is forecast to reach 2350 at the peak.

The SST operations will provide an economic benefit to the major cities along both coastlines where significant portions of our great nation reside. The travellers that this service brings will provide billions of dollars of business. The 25- to 45-year-old age group is expected to dominate this travel market, and it is estimated that by 1980 over 60% of the U.S. population will fly. This is a broad market when contrasted with the 20% who used air transportation in 1955, or the 39% in 1964.

The program promises manifold benefits to the industry. I am told that 20 billion dollars worth of direct airplane sales can result. The national benefits loom even larger. The value in billions of dollars of business involved in operations, mainte-

nance, facilities, new service requirements in restaurants, hotels, new access highways, new ground transportation developments, and thousands of other smaller items provide an unmeasurable level of business growth for this nation as a whole. The total resulting business could be many times greater than the actual airplane sales value.

The favorable balance of trade, due to foreign sales, is conservatively estimated at 13 billions of dollars, without including the other advanced technology supporting systems that are required. This favorable balance of payments situation could be reversed to a 16 billions of dollars deficit if the U.S. SST program is not pursued. The British/French Concorde SST is here. It is flying! The purchase options on 38 Concordes by U.S. airlines are already a matter of record, and this number will increase if the U.S. SST is delayed. The question is not whether or not there will be an SST. Rather, it is, "Which SST will the airlines buy?"

One unfortunate aspect of the program so far is the public misunderstanding surrounding the funding support. The executive branch should make sure that no opportunity is missed to inform the taxpayer of the limits of his liability and potential benefits for him and for the nation.

The 1.3 billion dollar government investment for this program represents the only practical way a U.S. SST could be developed within the required time frame. Industry is putting up 250 million of their funds to augment the government investment.

This goverment investment is just that, an investment, but in a shared risk venture. The government stands to regain the entire 1.3 billion dollar investment when the three hundredth airplane is sold. By the five hundredth airplane, the additional return to the government would approach a billion dollars.

This is the first major government aerospace program in history where the government stands to make a profit in addition to getting its investment returned in full.

In addition, during the life of this program, the U.S. government stands to realize over 5.4 billion dollars in taxes as a direct result of this SST production activity.

Riding strongly upon a growing public concern for the nation's ecology, objections to the SST for environmental considerations have been raised. These objections appear to be exaggerated and premature. They are being addressed through comprehensive U.S. Government-sponsored research programs which we judge to be scientifically and technically sound.

The present program which separates the development phase from the production phase offers the most significant assurance to all parties concerned, including the general public, that the production SST program will be a sound one in every way.

In summary, the SST must be safe, economically sound, suit the world's airways and airports, be superior to all competitors, and be ecologically acceptable. We are confident the present SST program will provide these results.

The National Aeronautics and Space Council has the functional responsibility to advise and assist you, Mr. President, with respect to policy, plans, and programs, as well as to provide for effective cooperation among all departments and agencies of the United States on significant aeronautical and space activities. Since I arrived in September 1969, I have been active in developing a knowledgeable and competent staff of aerospace experts within your Executive Office. We are now in a sound position to make a more effective contribution to the SST and other related aerospace areas regarding national policy, or where coordination or planning within the Executive Office is required. We are assisting in the SST development and research efforts where our particular capabilities prove useful.

The SST program needs to be viewed against the background of an aerospace industry that has an unemployment rate approaching 18% as compared to a national average of 5%, or a housing industry average of 7%. The aerospace industry has generated most of the new technology and unique products that influence our daily lives. Erosion of this valuable national resource is of growing concern to us with respect to the future of this nation. In this climate, the SST program is more than an economically and technically sound venture. National leadership in the SST is vitally important.

Of course, active and well-funded aerospace programs are what companies need most but if relative priorities in the economy limit our ability to increase funds in a major way, there must be other appropriate measures which can be taken. I have discussed several options with the Vice President that address to these problems in the aerospace community. We are currently planning several positive steps that could become new initiatives for the Administration. I will be forwarding a synopsis of these steps to your staff for further consideration. However, these steps, valuable though they may be, are of secondary importance in relation to sound programs such as the SST.

The Department of Transportation, and especially the Director of the SST program, Mr. William Magruder, are to be complimented on doing an excellent job in keeping this program under control, and we plan to continue giving him and his staff our full and active support.

Sincerely,

WILLIAM A. ANDERS.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 12, 1970.

MEMORANDUM FOR THE PRESIDENT.

Subject: Environmental Effects of the SST.

The Administration's current SST program, the appropriation for which is now pending in Congress, is for the design, development, fabrication, assembly, and a hundred hour flight test for two identical prototype supersonic transport aircraft. As I testified before the Joint Economic Committee on May 12, "In and of themselves the two prototype models would not give rise to environmental problems provided appropriate precautions are taken with regard to their test flights."

In my testimony before the Joint Economic Committee, I pointed out the major uncertainties which exist with respect to the possible commercial development of a fleet of SST's. These uncertainties relate primarily to effects on the upper atmosphere and sideline noise at airports. A copy of that statement is attached.

While differences of opinion necessarily exist as to the exact nature of the environmental consequences which may be expected to result from large scale commercial SST operations, there is widespread agreement within the scientific community that questions remain which should be resolved. In this connection, it should be noted that the July 31 summary report of the Study of Critical Environmental Problems (SCEP), sponsored by the Massachusetts Institute of Technology, concludes, in part:

"The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences."

This conclusion is entirely consistent with my May 12 statement.

The Council has pointed out that the various environmental factors to the Department of Transportation. The Department has developed a proposed research program that would accelerate work towards a quieter engine and would examine the atmospheric effects. This program calls for the expenditure of $26.68 million over the next three years. The Council has reviewed and supports this research program and believes it to be responsive to the environmental concerns and uncertainties which the Council has identified.

As my testimony before the Joint Economic Committee sought to make clear, the concerns and uncertainties which this Council has identified relate solely to the possible future operation of a fleet of commercial SST's. The two prototype SST commercial aircraft, as proposed by the Administration, would not in themselves give rise to any significant environmental problems.

RUSSELL E. TRAIN,
Chairman.

EXPORT-IMPORT BANK OF THE UNITED STATES,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In answer to your request, we are pleased to comment on the attitude of the Export-Import Bank toward the export of commercial jet aircraft, with particular reference to the SST.

As you know, the Eximbank has participated in financing commercial aircraft for some twenty years. The Bank's activities in this field have increased over this period and indeed have expanded dramatically during the last four years. Eximbank commitments in FY 1965 for commercial jet aircraft supported only $102 million in exports compared with $1.7 billion in FY 1970.

At the present time, and for the foreseeable future, financing of commercial jets for the airlines of the world is and will continue to be by far the Bank's largest single activity. However, it is worthwhile to note that the Bank on an average extends direct loans covering only 36 percent of the total cost of jet aircraft and thereby gains the maximum advantage in the use of its financial resources.

We presently estimate that commercial jet exports in which Eximbank is involved will average almost $2 billion per year over the next five years. We are in a position to forecast this magnitude of export activity with reasonable confidence because of the current preeminence of U.S. wide-bodied jets—the Boeing 747, Douglas DC–10 and Lockheed L–1011.

As an indication of the proven demand, Eximbank in FY 1970 made commitments involving the export of some $900 million of these three types of aircraft. Moreover, we have knowledge of options which non-U.S. airlines have placed for substantial additional optional and firm orders will be placed for these jets between now and the mid-1970's.

As the SST will not be available for sale until the late 1970's, we cannot point to any such proven demand, nor can we claim any special expertise in the field of jet aircraft technology. However, all available information regarding the U.S. SST and the competitive aircraft under development in Europe and Russia indicates that these new supersonic jets are likely to be of significant importance to the U.S. balance of trade in the late 1970's and 1980's. Estimates recently have been made available regarding the significance of the SST to the U.S. balance of trade, considering both exports from the U.S. and imports of such aircraft into the U.S. These estimates indicate that, if the SST is not developed and sold, the net loss to the U.S. balance of trade over a twelve-year period would be on the order of $20 billion.

We assure you that the Export-Import Bank has every intention of continuing to

assist in financing commercial jets, including the SST. We have actively supported exports of the current group of wide-bodied aircraft in such a manner that we believe it will have a substantially favorable effect on the U.S. balance of payments for most of this decade. We plan to support SST exports in a similar manner, with the expectation that such support will also have a favorable effect on the U.S. balance of trade in the late 1970's and the 1980's.

Sincerely yours,

HENRY KEARNS.

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., July 31, 1970.

MEMORANDUM FOR THE PRESIDENT,
Subject: The SST Program.

Economic considerations point strongly in the direction of continuing the SST program through the production of a prototype. The probability of ultimate economic success for the plane is high enough to warrant carrying the project through to that stage and cancelling the SST project now would prematurely close off our options. The adverse implications of thus terminating the project, given a significant probability that the plane will be an economic success, would constitute an excessive risk for the Nation and the economy.

The economic considerations pertaining to this decision have to do with the external payments position and also the domestic economy. As for the balance of payments issue, the absence of an SST, if an economically viable Concorde materializes, would reduce the competitive strength of our own aircraft industry. At the present time U.S. manufactured planes have about 84 percent of the free world market. If the Concorde were successful and we have a successful SST, our own share of the world market might drop to something like 79 percent by 1990. Without an American SST, however, we might lose at least another 10 percentage points of the world market by that year if the Concorde project is a success.

Beyond the direct impact of aircraft sales on our external payments position one must also evaluate secondary implications for our external payments. The advent of more rapid travel probably would have some adverse net effect on tourist expenditures abroad. This would occur, however, if the Concorde project is successful even without an American SST. On balance, therefore, a decision to terminate the project now would carry with it a significant risk that our balance of payments position would thereby be adversely affected when this generation of aircraft matures into the market.

As a general rule, of course, specific program decisions should not be undertaken or avoided merely because of their effect on our balance of payments. Moreover, it is important to bear in mind that the impact of this program on our international payments position would not in any case show up for a decade. At the same time the implications of this decision for our balance of payments position must be recognized even at this early stage, and they point in the direction of a favorable decision on continuing into the prototype stage.

As for the domestic economy, canceling the SST project at this date would apparently lead to a layoff of approximately 5,000 engineers and skilled workers. Most of these are employed in Seattle and the layoff would aggravate an already difficult unemployment situation. It would add, to be specific, roughly 0.5 percent to the 8.8 percent unemployment rate (in May) in Seattle, and there would be adverse secondary repercussions elsewhere. Moreover, it would adversely affect the future strength of the aircraft industry, which has been an important segment of our domestic economy.

It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonably full employment. By the middle of this decade (when the project, in any case, would begin to employ large numbers of skilled workers), the attainment of reasonably full employment can be achieved in other ways.

In our planning for this project we should insist that the certification and production stages be financed by private industry. If private industry is not willing to support production after the prototype is built, such disinclination would raise a serious question as to whether the project was economically feasible.

PAUL W. MCCRACKEN.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., July 28, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In response to your letter I offer these comments. I consider it most unfortunate that a relatively few but extremely forceful individuals and groups appear to embrace the thesis that the Supersonic Transport is being developed in conflict with, or in isolation from, the other needs of the Nation.

To the contrary, the SST has been designed from the outset to operate from existing gateway airports serving this nation's most populous regions. Performance advantages of the SST over subsonic jet transports will be strikingly apparent to airport neighbors who complain about today's planes; it is the first new aircraft to be designed from the outset stressing environmental considerations, with noteworthy success.

Extensive research and development work is already underway to control SST sideline noise (the only environmental parameter numerically deficient to current criteria) and bring it within acceptable limits prior to aircraft production; predictions that the SST will be as noisy as 50 subsonic jets on takeoff simply have no foundation in fact. Importantly, noise data analyses indicate that the Boeing 2707-300 will be impressively less noisy over the community than present day intercontinental range jets (707, DC-8, VC-10).

Historically, all long-term traffic forecasts have fallen short of actual traffic growth experience. This nation must have aircraft with higher productivity else it could strangulate in the number of subsonic jets needed to satisfy predicted traffic levels. Importantly, one SST will do the work of 4½ DC-8's or 707's in the same unit of time.

The SST will be sorely needed to transport the 56 million Americans and the other millions of non-U.S. citizens who will be traveling internationally by 1980. Its greater productivity will also keep fares in line with the world economy and, even considering inflation effects, the SST promises lower total costs than even the newer subsonic "wide body" jets by the end of this decade. I am confident that the market prediction of 500 SST's, with sonic boom restrictions dampening total sales, represents a conservative market estimate.

We have examined each of the questions about predicted effects of the SST on the earth's climate and environment, relying on the National Academy of Sciences, the Environmental Science Services Administration, NASA and other agencies for counsel; we are assured that the possibility of adverse effects from SST operations is extremely unlikely. Additionally, airworthiness standards for the SST will impose stringent safety requirements which the manufacturers must meet prior to certification.

Notwithstanding, a comprehensive research program is underway to subject these assurances to test conditions and expose theories to the light of scientific evidence. The two SSA prototypes, which are the only vehicles to be produced by the presently committed program, will provide the means for final test, evaluation and confirmation of operational characteristics and ecology impact. The data necessary to the determination of the SST's environmental acceptability will be in hand before the date that a decision on production must be made.

Where there is any prospect of an unresolved environmental problem, such as in the case of sonic boom, safeguards will be provided. The FAA's rule prohibiting flights of civil supersonic aircraft over the United States at speeds that would cause a sonic boom to reach the ground will protect people and property against the annoyance of, or any physical or property damage from a boom.

In keeping with my responsibility to foster and promote civil aviation, I am deeply and understandingly concerned about the consequences of any voluntary abdication of America's aviation leadership. Whatever its problems or shortcomings, our aviation industry is the world's best.

Americans build exceptional commercial airplanes which are the accepted standard of national and international air commerce. We cannot hope to sustain that kind of preeminence in the global market if we falter in the face of a challenge we are well equipped to meet, and which promises to feed our nation's economy significantly in the long term.

Faithfully,

J. H. SHAFFER,
Administrator.

Mr. MURPHY. I am pleased to be able to make these letters available publicly, so that from now on if we proceed in discussions of this report, it can be on the basis of a matter of public record rather than some alleged leaks.

My good friend, the Senator from Maine, although he has gained his principal fame—and I have joined with him in his effort—as a man interested in ecology and environment, put his first emphasis and based his first argument against the SST on how the SST might affect the balance of payments. He quotes a report—this is the report made by the agencies to the President—as saying, "If the overall balance of payments is considered, there is substantial reason for delay."

Mr. President, I submit that America's strength, however, has always been in her ability to compete in the open market place on even terms. The American product traditionally has been a better product, I am pleased to say, in broad and diverse areas of enterprise. The capability of Yankee manufacturing and marketing techniques has enable us to compete most successfully against the frequently lower raw material and labor costs of other countries. This has been eminently true, particularly in the sale of aircraft, aircraft parts, and commodities of high unit value, which have consistently occupied a prominent and profitable place in our Nation's trade menu.

In the past, our proven proficiency in the designing and producing of superior jet aircraft has been very profitable to our Nation, generating a trade surplus of more than $12 billion over the last 10 years in the aircraft account. I wish I could say that all industry had achieved the same record.

When the committee that my distinguished friend quotes looked at the SST, it conjectured that it would give a big boost to international air travel, per-

haps to the same degree that the jet stimulated air travel a decade ago. The greater flow of tourist dollars, theoretically, could offset the economic benefits of the SST sales. The only thing I find wrong with this logic is its basic assumption—that is, that the U.S. plane was the only supersonic transport on the horizon.

There was a tendency 18 months ago—even a year ago—to disbelieve the Concorde and discount the TU–144, built by the Russians. Today, any doubts about the Concorde or the dedication of its European sponsors in marketing it are fast evaporating, if they have not completely ceased to exist. While less is known about the Soviet plane, the TU–144, I am advised by experts that it has flown at mach 2 speeds; and, of course, the rights to Russian airspace could be a very important bargaining factor in the Soviet's favor, in their effort to sell their plane to other countries in the world market.

Under Secretary of State Alexis Johnson reported last May that the Concorde flight test program was progressing favorably—that greater speeds than planned had been attained with the first generation Mark I engine, and that 12 aircraft had been authorized for production.

He even indicated there was good reason to believe an improved Concorde—a Concorde II—is being planned.

Today, it is crystal clear that the Concorde does pose a challenge to our aviation leadership. Regardless of how critics of the program may cling to the notion that there is no balance of payments incentive to a U.S. SST program, that argument is now a phantom—erased by the simple realization that in a world populated by supersonic transports people will fly them, whatever their ancestry and however they may ultimately affect tourism and I think we may safely assume these planes will land in the United States of America.

The tourist issue aside, the Department of Transportation has come forward with calculations on the favorable impact on the U.S. trade account over the next 20 years resulting from a decision to proceed with the U.S. SST—an impact that runs to the tens of billions. The assumptions on which these calculations are based are reasonable, and the projections impressive.

It is reasonable to assume, too, that in a period of dire economic circumstances, the Europeans are not investing many hundreds of millions of dollars in the Concorde and in the revitalization of their aircraft industry without expectations of a good return on that investment. Along with the Concorde, the aircraft consortium in Western Europe is assembling a family of aircraft with sufficient appeal to make inroads on America's entire dominance of the free world aircraft market. I do not want to see the United States surrender its position of leadership, or lose the economic benefits that leadership has long provided.

Now, Mr. President, let us take a look at the next two direct quotes the Senator from Maine uses. He states:

> The record to date—as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe, and economical—is not completely reassuring.

I wish to make two points here. First, this is an unworthy statement which really says nothing. Second, I can assure the Senator that the more he fights to delay and stall and hamstring, the more unworthy that statement will become. It is somewhat like drowning the kitten and then weeping because the kitten is dead.

Now, his next quote:

> Supersonic transport has the potential for intensifying hazards to the passengers and crew, and for causing significant further deterioration in the environment for people on the ground.

Mr. President, note that keyword, "potential."

That makes this just another meaningless statement so far as the Senator is concerned. Almost every invention known to man has the potential for good or evil—the gun, the auto, the telephone, splitting the atom—you name it. I imagine that the first Indian to build a canoe in Maine tipped it over a few times before he perfected it.

Mr. President, I am not impressed by any report that weasels and welches and quibbles. I am surprised that the Senator from Maine is impressed or that he seeks to impress us with this sort of uncertain statement. I recall a phase of the great Justice Brandies which he called "Parading the Horribles."

Mr. President, I ask unanimous consent to have printed in the RECORD, particularly for the edification of the Senator from Maine, an article written by James J. Harford, executive secretary of the American Institute of Aeronautics and Astronautics, which was published in the New York Times last week and is pertinent to the Senator's arguments.

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

UP THE SST

(By James J. Harford)

Writing a pro-supersonic transport article for this paper is like playing Stravinsky at a rock festival. The opposition on that page to the left has been playing so steadily and its amplifiers are so high I wonder if softer, albeit still dissonant, music will reach the audience's ears. Here's a try:

The U.S. SST—the Boeing 2707—will be less noisy to the community than the subsonic jets; will have trivial effect on the environments; will be twice as productive as the 747 (and therefore easier on the passenger fare), much more comfortable for the passenger and—of course—three times as fast.

Let's just assume that everyone agrees that the plane will give us a smooth ride (at 60,000 feet where there's neither jumpy air nor traffic) to Paris in three hours instead of eight.

The argument is over the first three claims. The SST less noisy? Isn't it supposed to be a window-breaking, wall-cracking nuisance? The SST cheaper for the passenger than the subsonics? Isn't it supposed to be an atrociously expensive jet-set toy? The SST a nonpolluter? What about the exhaust from those giant engines and that talk about filling the stratosphere with water vapor?

First, the noise. Sorry, chances are you'll never hear the SST make a boom. The Federal Aviation Administration has ruled that it will not be permitted to fly supersonically over populated areas. There will probably be a soft thud and a half-second rumble when it flies 1,800 mph eleven miles above the oceans, but it will cause only 2.5 pounds of "over pressure"—increased on rare occasions to perhaps 5 to 10 pounds by weather eccentricities—nothing like the sharp crack associated with 40- and 80-pound overpressures from military fighters flying at low altitude.

Noise on takeoff will be less offensive than the 747 because the SST climbout will be steeper and faster. Noise on landing approach will be less offensive because sound suppressors will dampen much of the compressor whine.

Side noise on the runway is still a problem. The prototype engine generates more side noise than the subsonics but work on this is intense.

The SST as polluter: Present auto engines convert 30–50 per cent of the fuel burned into air pollutants. SST engines will convert less than 1 per cent. The Boeing 2707 at 1,800 mph won't emit any more air pollutants than three cars traveling 60 mph.

The water vapor threat? A National Academy of Sciences study shows that 1,600 daily SST flights would produce about the same amount of water vapor—150,000 tons—as that produced by one large cloudburst in the tropics. There are more than 3,000 cloudbursts around the globe each day.

The jet-set putdown is the most specious of all. In fact, the biggest argument for the SST is that it will be, by far, the most productive airplane ever built and the main hope of countering passenger fare increases caused by rising costs.

The SST has been in development since 1958. It has cost the government about $700 million so far. The Senate is now being asked to vote another $290 million of 1971 expense. Boeing, GE and the airlines will have invested almost $400 million by the time the two prototypes are finished. The U.S. government investment in the prototypes is to be returned in royalties by the time the 300th airplane is built.

The country can pay for covering the land—often tillable land—with asphalt for cars but can't invest in the most productive flying machine in history?

If the Senate votes down the $290 million, (1) we get no U.S. SST, leaving the carriers to buy the British-French Concorde I or II or the Russian TU-114; (2) $700 million is wasted; (3) other jobs might be found for an eventual 20,000 engineers and technicians.

After all of this, if I were a Senator or an editor I might think hard about approving the $290 million appropriation if I thought the money and the 20,000 engineers and technicians were transferable to 1971 technological programs in pollution control, mass transit, housing, or another neglected problem. To our disgrace, there are no programs which have advanced to the point at which they can use those funds and engineers in 1971. If the $290 million is voted down, no one benefits.

(James J. Harford is Executive Secretary of the American Institute of Aeronautics and Astronautics.)

Mr. MURPHY. Mr. President, while Mr. Harford talks about 20,000 engineers and technicians, he does not talk about the total of 150,000 working men and women who will lose jobs if the Senator from Maine has his way.

His charge is that we will waste $290 million. I ask if the Senator has calculated how much it will cost the Nation to feed and clothe and house those 150,000 people and their families if they go on welfare or have to resort to unemployment compensation. Likewise, I ask if he has considered the peripheral effects of that money on stores and restaurants and gas stations and all the other businesses that go to make up the econ-

omy of the community, all those benefits that apply to the citizens that are spread out through the community when people are gainfully employed and when men and industry are at work.

Eventually, it even affects the price of Maine potatoes.

Mr. President, my distinguished friend says that we do not need an SST prototype because we have already built supersonic airplanes. This is most interesting. This to me is like saying that General Motors does not need to build new cars because we already have cars.

I wonder if my esteemed friend would like to fly in a subsonic jet knowing that it had not been tested but had been put into service merely because we build jet fighters and bombers.

There is a great difference, an entirely different need, an entire difference of engineering problems involved in the jet. Of course he would not agree to that.

Mr. President, we have heard a lot of specious arguments, I think, against the SST. But on analysis most of them, as far as I am concerned, really do not bear close scrutiny, nor are they based on solid foundation.

So the question pending before us is really, have we given up? Have we become a nation of quitters, a nation that does not believe we should progress further technologically, that does not believe that we can meet challenges and competition and solve the problems of the future?

I ask what makes us think that the American people can rise to the problems of war and peace and pollution and poverty and education and all the rest of the problems if they back off from the relatively easy challenges of supersonic passenger flight?

Mr. President, the Nation has been beset in recent years by fearful men who seem impelled to retreat from the challenge whether it be in Southeast Asia, in the Mideast, or in the skies above.

Fortunately, I believe that they are still in the minority.

A few days ago the House of Representatives proved again that the great majority believed that we should proceed with the development of the SST. I congratulate them. I enthusiastically join with them.

I fervently hope that when the Senate again has a chance to accept the challenge of tomorrow by voting in favor of the SST, that it will do so and will base its findings on facts and not on fiction.

After all, faint heart not only never won fair lady; it never, in fact, ever won much of anything, including a better tomorrow.

Mr. President, I yield the floor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

AUTHORIZATION FOR THE U.S. POSTAL SERVICE TO RECEIVE A FEE FOR EXECUTION OF AN APPLICATION FOR A PASSPORT

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON FOREIGN EXCESS PERSONAL PROPERTY OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on foreign excess personal property of the Department of Defense, as of June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT GRAND CANYON NATIONAL PARK, ARIZ.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to provide medical, surgical, hospital and related facilities and services for the public within Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON AWARDS OF YOUNG AMERICAN MEDALS FOR BRAVERY AND SERVICE

A letter from the Attorney General of the United States, reporting, pursuant to law, on the awards of Young American Medals for Bravery and Service for 1968; to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore (Mr. BAYH) laid before the Senate a petition, which was referred as indicated:

A concurrent resolution of the State of New Jersey; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 77—STATE OF NEW JERSEY

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments, and

"Whereas, Increasing demands upon State and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

"Whereas, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while State and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, The final crisis at State and local levels has become the overriding problem of intergovernmental relations and of continuing a viable Federal system, and

"Whereas, The evident solution to this problem is a meaningful sharing of Federal income tax resources, and

"Whereas, The United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

"Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the Legislatures of ⅔ of the several states to the Congress, calling for a constitutional convention, and

"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the Legislatures of ⅔ of the several states; now, therefore,

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. Pursuant to Article V of the Constitution of the United States, the Legislature of the State of New Jersey does hereby memorialize and make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States.

"2. This application shall constitute continuing application for such convention pursuant to Article V until the Legislatures of ⅔ of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature.

"3. Certified copies of this resolution shall be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislature of the State of New Jersey."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

S. 4426. A bill to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government (Rept. No. 91–1445); and

H.R. 16443. An act to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government (Rept. No. 91–1446).

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 4268. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude bank receipts and disubrsements from the budget of the U.S. Government, and for other purposes (Rept. No. 91–1462).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 4583. A bill to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes (Rept. No. 91–1463).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1009. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer (Rept. No. 91–1456);

S. 1984. A bill for the relief of Alice E. Ford (Rept. No. 91–1457);

S. 1985. A bill for the relief of Randall L. Talbot (Rept. No. 91–1458);

S. 3971. A bill for the relief of Luana Gaja (Rept. No. 91–1447);

H.R. 4983. An act for the relief of James M. Buster (Rept. No. 91–1459);

H.R. 10150. An act for the relief of certain,

individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex. (Rept. No. 91–1451);

H.R. 10704. An act for the relief of Samuel R. Stephenson (Rept. No. 91–1460);

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon (Rept. No. 91–1461);

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare (Rept. No. 91–1448);

H.R. 14271. An act for the relief of Jack A. Duggins (Rept. No. 91–1449); and

H.R. 15272. An act for the relief of David L. Kennison (Rept. No. 91–1450).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2793. A bill for the relief of Siu-Kei-Fong (Rept. No. 91–1452); and

S. 4261. A bill for the relief of Esther Catherine Milner (Rept. No. 91–1453).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3885. A bill for the relief of Maurice Marchbanks (Rept. No. 91–1455).

S. 3977. A bill for the relief of Dr. Hahn Joong Lee (Rept. No. 91–1454).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States (Rept. No. 91–1465);

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass. (Rept. No. 91–1466);

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation (Rept. No. 91–1467);

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes (Rept. No. 91–1468);

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income (Rept. No. 91–1469);

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations (Rept. No. 91–1470); and

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum (Rept. No. 91–1471).

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception (Rept. No. 91–1472); and

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes (Rept. No. 91–1473).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 16745. An act to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, U.S. vessels in foreign countries, and for other purposes (Rept. No. 91–1474);

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond (Rept. No. 91–1475); and

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965 (Rept. No. 91–1476).

REPORT ENTITLED "INCOME TAX OVERPAYMENTS BY THE ELDERLY"—REPORT OF SPECIAL COMMITTEE ON AGING (S. REPT. NO. 91–1464)

Mr. WILLIAMS of New Jersey from the Special Committee on Aging, submitted a report entitled "Income Tax Overpayments by the Elderly," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. MAGNUSON, from the Committee on Commerce:

Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board.

By Mr. EASTLAND, from the Committee on the Judiciary:

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island.

By Mr. BYRD of West Virginia, from the Committee on the Judiciary:

Dennis R. Knapp, of West Virginia, to be U.S. district judge for the southern district of West Virginia.

By Mr. GRIFFIN, from the Committee on the Judiciary:

W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit.

By Mr. HRUSKA, from the Committee on the Judiciary:

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana; and

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado.

By Mr. SCOTT, from the Committee on the Judiciary:

Barren P. McCune, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Peter John Bertoglio, of California, and Ray A. Watt, of California, to be members of the Board of Directors of the National Corporation for Housing Partnerships.

BILLS INTRODUCED

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

By Mr. PASTORE:

S. 4586. A bill for the relief of Constanzia Fantani, Pauline Fantani, and Lydia Fantani; and

S. 4587. A bill for the relief of Domenico Fantani; to the Committee on the Judiciary.

By Mr. METCALF:

S. 4588. A bill to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes; to the Committee on Commerce.

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

S. 4588—INTRODUCTION OF THE TRANSPORTATION CONSUMERS' INFORMATION AND COUNSEL ACT OF 1970

Mr. METCALF. Mr. President, the name of our age is "Big." We are big in population, in pollution, in problems, in war, in technology, in conglomerates, in labor and in government. Man is computerized, polled, courted, counted, analyzed, synthesized and, increasingly, victimized. As an individual, he is lost in a computer; his judgments are induced; he is taken apart by psychologists, biologists, politicians, corporations, and bureaucrats, put back together by machines and counted for little. Save for the measure of his frustration, he is a pigmy in a world of behemoths. In their wars, he is a first victim. If he objects to his condition, he may either be soothed or ridiculed, but in all cases, he pays.

In the scrambles for ascendancy among competing giants in proceedings before the regulatory agencies, the individual consumer of communications, of electric energy or of transportation is tolerated only as his presence lends to the agencies the appearance of virtuous concern for his views that is regarded by them as necessary to the public record.

Though collectively he and his kind purchase the computers and analysts who turn out justifications for rate increases; though through purchase of services—to which he is often captive—he supports a battery of lawyers, accountants, statisticians, public relations experts, and others; though he indirectly supports the actual construction of his adversary's case, the consumer who chooses to fight must pay his own way as well. He must buy his own legal skill, transcripts at up to 85 cents a page and he must pay for the reproduction and distribution of documents to parties of record and meet travel and other expenses, in order to be informed and heard.

If he looks to the agencies for assistance, he will be badly disappointed. In the case of the Interstate Commerce Commission, for example, instead of making the Bureau of Accounts an intervenor in freight rate cases, as requested by the Department of Agriculture in behalf of farmer-shippers, the agency has repeatedly declared an independent analysis by its own Bureau to be unnecessary, and representation of user interests impractical; it has granted rate increases without giving opportunity for public scrutiny of the justifications therefor. Respecting proceedings in connection with passenger train discontinuances, the Commission wrote to Congressman MELCHER as follows:

> The normal position of the Commission in this type of case is that of an adjudicator of the evidence presented by interested parties. It has neither the staff nor the funds to enter into an active investigation of every train proposed for discontinuance; and only in rare instances does the Commission instruct its Bureau of Enforcement to participate and present evidence in such cases. However, all interested parties, both those in support of and in opposition to the proposal, may participate in the hearings held subject to the discretion of the presiding examiner.

The Civil Aeronautics Board has been equally remiss in representing or even recognizing consumer interests in its job of regulating rates, routes, and service of the Nation's airlines. For example, the CAB arrogantly refused to release to the public a staff study critical of the airlines' responsiveness to consumer complaints, until they were taken to court under the Freedom of Information Act.

Fare increases are granted routinely by the CAB without the slightest concern for the inflationary impact on the people who are supposed to be protected.

Consumers generally have not even been informed or proposed fare increases and other important regulatory matters in time to protest. In one outrageous recent case the CAB summarily approved a proposal by the airlines to obtain a hidden $50 million fare increase by the incredible device of rounding every fare up to the next highest dollar. This was done completely without public knowledge or participation and was presented as a fait accompli too late for anyone to protest.

Even if consumers somehow do learn what is going on and try to file a complaint or otherwise participate, they find the procedure unbelievably complex, costly, and burdensome. These problems were clearly demonstrated recently when a group of 32 Members of Congress led by Congressman JOHN MOSS, of California, sought to protest recent airline fare increases. The fares had been approved by the CAB after a series of informal, ex parte meetings with the carriers from which the public had been excluded. In a landmark decision, the U.S. Court of Appeals for the District of Columbia agreed with the Congressman that the entire rate structure was illegal, ruling that:

> The procedure used by the Board is contrary to the statutory ratemaking plan in that it fences the public out of the ratemaking process and tends to frustrate judicial review.

The responsibilities of agencies like the CAB are too broad and too important to permit this high-handed flouting of consumer interests to continue unabated. As the court of appeals noted, public participation in making rates is required because it is the public who pays them, and protection of the public before the rates are imposed is imperative. These points apply with equal force in other areas of the CAB's responsibility—such as granting route authority, passing on mergers and consolidations, enforcing the antitrust laws with regard to the practices of airlines, and regulating the adequacy of services provided to the public. What the people urgently need is an effective full-time advocate to get the needed information and to represent them in these important proceedings on a regular basis.

It is obvious that the consumer, the individual everyman, cannot match the resources of giant conglomerates. He is not equal to them in information nor in firepower, nor, under existing circumstances, may he count himself one of the public whose interest is allegedly served by the regulatory agency.

In his introduction to "Surface Transportation, the Public Interest and the Interstate Commerce Commission," Ralph Nader said:

> For generations, the ICC has operated as a shield protecting and preserving economic groups from the discipline of the marketplace, yet has declined to substitute a propublic interest pattern of regulation that was its original raison d'etre.

There is a dawning awareness in some regulatory agencies that as Louis Kohlmeier, Jr., said in the Regulators, "the only outsiders seem to be the consumers." In response, one has appointed—and understaffed—an in-house public defender. Some seek respectability through consultants said to be acting for consumers.

Mr. President, the appearance of concern or halfhearted corrections will not wash. As I have said before it is time for the Congress to recognize the fact that most regulation of our essential monopoly industries is mythical. It is our responsibility to reaffirm the inclusiveness of the words "public interests."

We can only do this by assuring that the public's right to be informed and its right to be heard are honored. I think this can best be done through establishment of an office designed for those specific purposes.

Mr. President, I introduce a bill, to be known as the Transportation Consumers' Information and Counsel Act. The proposal would establish an Office of Transportation Consumers' Counsel, charged with the responsibility to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matter, and authorized to improve methods for obtaining and disseminating information with respect to the operations of transportation companies.

The Counsel would be authorized to petition for, initiate, appear, intervene, or otherwise participate in, any regulatory proceeding which, in his opinion, involves a matter of controversy affecting substantially the interests of transportation consumers.

Mr. President, in little more than 3 years the Interstate Commerce Commission has acquiesced in four rate increases totaling approximately 22 percent. Still under investigation, but permitted pending final decision, is another 8-percent rise. To that might well be added yet another 7 percent.

The Commission, by its own admission in hearings before the Senate Subcommittee on Surface Transportation, has given the railroads substantially everything they have asked for.

The result is that the consumer pays and pays and pays. In Montana, where rail transportation is dominated by the Burlington Northern, agricultural products account for the largest single share of the State's income. Eighty-two percent of wheat is shipped out of Montana by rail. The national average market price for wheat stood at 51 percent of parity on November 15. The inflation of a 15-percent rate increase in freight rates will reduce economic activity in Montana $13,800,000 annually in addition to the over $9,000,000 reduction resulting from the prior increases.

The carriers' revenue as a percent of fully distributed costs exceeds 150 percent in wheat shipments from eight Montana points. Some exceeds 200 percent.

But the ICC has again sacrificed the consumer to Mr. Big. In the latest increase, the agency has failed to provide a holddown on wheat or any other single commodity. The rate increase has been granted, on an interim basis, across the board, except for shipments to the South.

Apparently, the Interstate Commerce Commission has accepted the argument of the Burlington Northern that because of an increase in the value of grain in storage, farmers can pay their share of an increase in freight rates. If that is the basis upon which these things are decided, it is perhaps not unreasonable to ask if a similar increase in the value of BN's enormous nonrail assets—timber, minerals, oil, gas, coal—renders unnecessary any increase for them in rail income. The question is more pertinent in view of BN's recent merger promotion piece, a 12-page supplement distributed through 70 newspapers, at an estimated cost of $1,500,000.

I have cited Montana's experience only as an example of a nationwide distress that is best understood when we bear in mind that between 15 and 20 per cent of our gross national product is accounted for by transportation. The increase will bring personal disaster to many.

The ICC has again failed to identify the consumer with the public interest it is charged to protect.

My bill would serve the public interest—the consumer—as a matter of right, not as an alternative only for the rich. Public advocates for transportation users could be the balance to overwhelming private interests and agency indifference that, in the case of freight rates for example, continues to be so costly to consumers.

The merger game is another that the consumer consistently loses.

Two once-great railroads stand in financial ruin. Barely 2 years after their merger, stripped of assets, Penn Central sought a blue-chip loan from the Federal Government to keep going. It was the giant's thought that the consumer-taxpayer should advance the loan and, in the event of additional disaster to the corporation, pay up under a special guarantee provision. Congressional leaders objected loudly and prevailed, but the cost of rebuilding the rail enterprise will be borne chiefly by the public, while the conglomerate is home free with its diversification program.

A consumer's advocate might in the first place have opposed the merger so vigorously as to inspire a timid Interstate Commerce Commission to deny it. Perhaps some of the factors which were to lead to the postmerger disaster would have been more apparent to him than they were to the Commission.

Or, failing that, a consumer's counsel might have done what the Commission failed to do—report to the public the ruinous financial transactions of the merged conglomerate, and, by disclosure, stop them in time to save the railroad.

Similar problems are emerging in the airline industry where the merger trend is now at full steam. Already Northeast and Trans Caribbean are being elimi-

nated as independent carriers, and it is reported that American now wishes to swallow up Western. Other major mergers are in the winds, precipitated in many cases by unsound management and regulatory practices which have led these companies to the brink of failure.

Conglomerates are already much a part of the airline industry. United Air-Lines, for example, has recently formed its own holding company so that it can expand into other businesses. Insurance companies, banks, broadcasting concerns, stock brokers and other speculators have taken controlling positions in a number of airlines. The CAB, which is supposed to regulate the structure of this industry, does not even seem to know who owns or controls the airlines in fact.

Unless something is done the Penn Central experience could well be repeated in the airline industry. These are some of the important areas in which a consumer's counsel could help to protect our citizens by public reporting and effective advocacy of their interests.

Mr. President, our distinguished majority leader, my friend and colleague from Montana, Senator MANSFIELD, has recently told the Senate of his deep concern with the transportation crisis which has overtaken this Nation. He has cited the very serious problems of reduced services and increased costs for the consumer of transportation. I concur with his views and believe that this legislation might go far toward solving these problems and hope that its introduction now will give Senators an opportunity to read the bill and, I hope, support it when I again offer it in the next Congress.

I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

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

The bill (S. 4588) to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes, introduced by Mr. METCALF was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4588

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 "Transportation Consumers' Counsel Act of 1970".

DEFINITIONS

SEC. 2. As used in this Act—

(a) An "affiliate" of a company means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with such company, or that has one or more directors or officers in common with such company.

(b) The terms "company" and "person" mean any individual, firm, corporation, partnership, association, joint stock company, business trust, foundation, unincorporated organization, body politic, or any similar entity or combination of the foregoing, and include any trustee, receiver, assignee, or other similar representative thereof.

(c) The term "control" means possession of the power to direct or cause the direction of or to substantially influence the management and policies of a company, whether through ownership of voting or nonvoting securities, ownership of debt issues, by contract, or otherwise, unless such power is the result of an official position with the company. Control is presumed to exist if any person or company directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing 10 per centum or more of the voting securities of any company. The Counsel may, after furnishing all persons in interest notice of opportunity to be heard, determine that control in fact exists notwithstanding the absence of a presumption to that effect.

(d) The term "Federal agency" means any independent Federal agency, or any department, agency, or instrumentality of the executive branch of Government, including but not limited to the Interstate Commerce Commission, Civil Aeronautics Board, Federal Maritime Commission, National Mediation Board, National Transportation Safety Board, the Department of Transportation and its constituent agencies, and any successors thereto.

(e) The term "long-term debt" means any indebtedness of a company having a maturity of one year or more from the date of issuance. The term "short-term debt" means any indebtedness of a company other than long-term debt.

(f) The term "regulatory proceeding" means any formal or informal proceeding, meeting or session before any Federal agency or Federal court relating to rulemaking, enforcement, management, mergers, reorganizations, financing, certification, rates, routes, service, safety, bankruptcy, accounting, recordkeeping, environmental impact, or other matters concerning transportation companies or transportation services.

(g) "Transportation company" means any company subject to regulation by the Interstate Commerce Commission, the Civil Aeronautics Board, or the Federal Maritime Commission.

(h) "Transportation consumer" means any person who purchases, uses, or is in any way affected by transportation or the operations of transportation companies.

(i) "Transportation holding company system" means two or more affiliated companies, one or more of which is a transportation company.

(j) "Transportation" means the conveyance or the means of conveyance of persons or property between any two points, rail, air, pipeline, highway, or water.

TITLE I—TRANSPORTATION CONSUMERS' COUNSEL

ESTABLISHMENT OF OFFICE

SEC. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the United States Office of Transportation Consumers' Counsel (referred to hereinafter as the "Office"). The Office shall be headed by a Transportation Consumers' Counsel (referred to hereinafter as the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule. In appointing the Counsel, the President shall solicit the views and recommendations of consumer organizations and groups representing consumer interests in transportation matters, including State and local bodies.

(b) The Counsel is authorized, subject to the civil service and classification laws, to select, employ, appoint, and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office, and to define their authority and duties.

(c) No person appointed as Counsel or employed by the Counsel shall at any time during his tenure, have any financial interest, direct or indirect, in any transportation company or affiliate; nor shall any such person be employed or retained by or accept employment with a transportation company or an affiliate of a transportation company for a period of three years following termination of his employment in the Office of Counsel.

POWERS OF THE OFFICE

SEC. 102. In the performance of the functions of the Office, the Counsel is authorized—

(a) to promulgate such rules and regulations as may be required to carry out the functions of the Office, including the establishment of uniform rules of accounting for any class or classes of companies as to which information is required to be obtained pursuant to this Act;

(b) to exercise the powers set forth in sections 12, 304(a)(7), 904(b), 1003(e), and 1377 of title 49 of the United States Code, and section 820 of title 46 of the United States Code, but the exercise of such powers and the performance of the functions of the Office shall not be subject to the provisions of sections 3501–3511 of title 44 of the United States Code.

(c) to delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates;

(d) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(e) to use the services, equipment, personnel, and facilities of other Federal agencies, with their consent, with or without reimbursement therefore as determined mutually by the Counsel and such other agencies.

COOPERATION OF OTHER FEDERAL AGENCIES

SEC. 103. Upon request made by the Counsel, each Federal agency is authorized and directed—

(a) to make its services, equipment, personnel, and facilities available to the greatest extent practicable to the Office in the performance of its functions; and

(b) to furnish to the Office such information and assistance as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 104. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear, intervene, or otherwise participate in, any regulatory proceeding which, in the opinion of the Counsel, involves a matter of controversy affecting substantially the interests of transportation consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

(c) Notwithstanding any other provision of law, Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

(d) This Act shall not operate to exclude any other individual, consumer organization, or group representing the public interest from intervening or otherwise participating in such proceedings, nor shall it affect the decision of any Federal agency to assign its own staff personnel to intercede or assist in developing any part of the record of proceedings in which the Counsel or other groups shall appear; nor shall the participation by Counsel affect the right of any person to appear in such proceedings in forma pauperis.

(e) The Counsel is authorized to attend and represent the interests of transportation consumers at any meeting of any advisory committee or other private or public organization with any Federal agency.

TITLE II—PUBLIC INFORMATION AND REPORTS

INFORMATION WITH RESPECT TO TRANSPORTATION COMPANIES

SEC. 201. The Counsel shall obtain detailed corporate and financial information, determined in accordance with uniform accounting rules prescribed by the Counsel, with respect to each transportation company and each affiliate of a transportation company or a transportation holding company system, which shall include but not be limited to the following information:

(a) As to the capitalization and control—

(1) the name, address, and description of the business of each parent, subsidiary, or affiliate company, including a full description of the relationship between such companies;

(2) a description of all classes of common stock, preferred stock, long-term debt, bonds, and debentures, including information as to voting rights, redemption and conversion features, dividends, premiums, and interest payable, maturity dates, provision for security, and any other terms and conditions that are material or that may confer control or management powers upon the holder of the security or the debt;

(3) percentages of capitalization obtained from common stock, preferred stock, long-term debt, and earned surplus, respectively;

(4) the amount of dividends and interest paid on each class of stock and debt an:

(i) yearend preferred dividend yield (annual preferred dividend payments dividend by yearend aggregate market price of preferred stock);

(ii) yearend yield on common stock (annual common dividend payments divided by yearend aggregate market price of common stock);

(iii) average rate of interest on long-term debt;

(iv) average rate of interest of short-term debt;

(v) rate of return on average common stock equity.

(5) the name and address of:

(i) each holder of record and each beneficial owner of 1 per centum or more of any class or series of common or preferred stock in the company;

(ii) each holder of record and each beneficial owner of 1 per centum or more of any issue of long-term debt of the company;

(iii) any person beneficially owning 5 per centum or more of the outstanding short-term debt of the company at any time during the reporting year;

(iv) any person controlling, directly or indirectly, 5 per centum or more in the aggregate of the voting rights of the company.

(b) As to management—

(1) the name and address of each officer and director and his compensation from the company, including pension and retirement plans and the amounts paid, accrued or reserved for such plans, stock options, deferred compensation plans, indemnification, and insurance, together with a complete description of the duties of such director or officer and the approximate amount of time, stated in hours per week, spent in the performance of such duties;

(2) the names and addresses of all other companies which such officers and directors also serve as officers or directors, and a description of any position which such officer or director holds or has held in any Federal agency at any time within the preceding fifteen years;

(3) the names of directors, if any, who were not nominated by the management of the company;

(4) terms of restricted stock option plans available to officers, directors, and employees and, except for plans available to all employees on equal terms, including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised;

(c) As to operations—

(1) summaries of all certificates of convenience and necessity issued to or applied for by the company, if any, and the amount expended for and in procuring each such certificate;

(2) a summary of the terms of any rate bureau, pooling or mutual aid agreements or arrangements, including a complete breakdown of joint rates attendant thereto;

(3) assets and liabilities of the company, including a description of each asset subject to a mortgage, lien, or other claim, indicating the terms thereof;

(4) net annual earnings after taxes and after subsidy, if any, stated:

(i) in dollars;

(ii) as percentage of depreciated average original cost;

(iii) as a percentage of operating revenues;

(5) sources and application of all funds, including all revenues, income, borrowings, and sale of equity.

(6) information as to all direct or indirect expenditures, whether in payment of money, provision of goods or services, use of officers or employees on company time or otherwise, including specific details of the exact amounts, purposes and tax treatment of each item, included in any account for:

(i) dues, expenses, or assessments of trade associations or rate bureaus of any kind;

(ii) any legal, professional, or consultant services;

(iii) advertising, public relations, and promotion of any kind;

(iv) contributions, gifts, donations, honorariums, and gratuities, including travel, entertainment, or other personal expenses of individuals paid for, in whole or in part, by the company;

(v) protesting the granting of any certificate, franchise, or authority of any other party, or intervening in any proceeding in which such certificate, franchise, or rights are at issue;

(vi) promoting or opposing the candidacy, nomination, election, or appointment of any person for any Federal, State, or local office, or any lobbying with respect to Federal, State, or local legislative or administrative bodies; and a list of each contribution or expenditure of any director or officer of the company for such purposes;

(7) a list of all goods, services, rights, or privileges extended free, below cost or below normal charges, to any actual or potential customer or class of customers including credit extension, concessions, and rebates of any kind, and the extent to which such goods, services, rights, or privileges are paid for by charges to such customers or class of customers;

(8) amounts, terms, and conditions, including simple annual interest rates, of all loans and extension of credit to directors, officers, affiliates, customers, and others, and the total amounts of interest collected on each class of such loans or credit during the year.

(9) details of any transactions with affiliates, banks, finance companies, holders of any class of stock or long-term debt, and customers concerning the purchase, sale, or lease of any real or personal property, indicating as to each the identity of the other party, terms of the purchase, sale, or lease contract, including any provision for security, the assessed value of the property and the method by which such transaction was negotiated, including a description of any opportunity given to other parties to enter competitive bids and details of any such bids received.

(d) such other information as the Counsel may deem appropriate to obtain, compile, publish, and disseminate to inform transportation consumers.

REPORTS

SEC. 202. (a) The information to be obtained by the Counsel pursuant to section 201 of this title shall, at least annually and at such other times as the Counsel may deem appropriate, be published in reports prepared for and made readily available to the public. Such reports shall be issued as soon as possible after the end of the annual accounting period. Supplementary reports may be issued at any time to reflect any changes that materially affect the ownership, financial condition, or operations of transportation companies or affiliates. To the degree practicable, the reports provided for in this section shall be presented in readily comprehensible style and format and shall contain pertinent national averages and comparative historical data.

(b) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of transportation consumers. To the greatest extent possible, such information shall be made conveniently available to the public and in time to be of use in regulatory proceedings. The Counsel shall consult with consumer organizations, including State and local bodies, regarding the information to be compiled and disseminated and the most effective manner of dissemination thereof.

(c) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of transportation consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(d) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necessary or desirable for the adequate protection of the interests of transportation consumers, accompanied by an explanation of why the desired objective cannot be achieved under existing legislation.

AUTOMATIC DATA PROCESSING

SEC. 203. Federal agencies are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that the Counsel, the Congress, and the public shall receive information in a timely and understandable manner. Federal agencies are hereby directed to include, in

their annual reports, accounts of their progress toward full use of automatic data processing.

PENALTIES

SEC. 204. (a) Any person who violates this Act or any rule, regulation, or order issued by the Counsel hereunder, or who fails or refuses to provide any information or report required by this title, shall be subject to a civil penalty not greater than $1,000 for each violation. Any person who knowingly and willfully violates this section or any rule, regulation, or order issued by the Secretary hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not greater than $2,500 for the first offense and not greater than $5,000 for each subsequent offense. If any such violation is a continuing one, each day of such violation shall constitute a separate offense.

(b) If any person owning or controlling securities or debt of any transportation company required to be disclosed under this Act or any regulation issued under this Act, shall withhold or fail to disclose the fact of such ownership or control to the Counsel, title to such securities or debt, after notice and hearing before the Counsel, shall be forfeited and shall vest in the United States Government.

APPROPRIATIONS

SEC. 205. There are authorized to be appropriated annually for the purposes of this Act an amount equal to one-tenth of 1 per centum of the aggregate annual gross operating revenues of all transportation companies.

ADDITIONAL COSPONSOR OF A BILL

S. 4430

At the request of the Senator from South Dakota (Mr. McGOVERN), the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 4430, the National Economic Conversion Act.

SENATE RESOLUTION 495—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE ON NATIONAL SECURITY POLICY

Mr. CASE. Mr. President, I submit for appropriate reference a resolution to establish a Senate Select Committee on National Security Policy. For reasons which I outlined in a May speech which I shall submit for the record, I believe the time has come for the Senate to consider the major aspects of foreign and defense policy as they are considered in the executive branch—as an interrelated decision which reflects a systematic evaluation of alternative strategies and alternative security objectives.

At the beginning of the next Congress, I intend to reintroduce this resolution and press for active consideration.

I ask unanimous consent that the resolution be referred jointly to the Committee on Armed Services and the Committee on Foreign Relations.

I also ask unanimous consent that this resolution and the partial text of my remarks at the Shelburne Hotel in Atlantic City, N.J., on May 28, 1970, be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The resolution will be received; and, without objection, the resolution will be referred to the Committee on Armed Services and the Committee on Foreign Relations, jointly, and the resolution and partial text of the remarks of the Senator from New Jersey (Mr. CASE) will be printed in the RECORD.

The resolution (S. Res. 495) is as follows:

S. RES. 495

Whereas it is essential to provide an effective mechanism by which the Senate can regularly and continuously examine the foreign policy objectives and the security requirements of the United States and the military capabilities needed to meet such objectives and requirements: Now, therefore, be it

Resolved, That (a) there is hereby established a select committee of the Senate to be known as the Select Committee on National Security Policy (referred to hereinafter as the "Committee") composed of ten members of the Senate appointed as follows:

(1) five members from the Committee on Foreign Relations to be appointed by the chairman of that committee, three of whom shall be from the majority party and two of whom shall be from the minority party; and

(2) five members from the Committee on Armed Services to be appointed by the chairman of that committee, three of whom shall be from the majority party and two of whom shall be from the minority party.

(b) One of the members of the Committee shall be designated by the majority leader of the Senate to serve as chairman of the Committee. Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee and shall be filled in the same manner as original appointments thereto are made.

(c) A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(d) The Committee shall have no authority to report any legislative measure to the Senate nor shall it otherwise have legislative jurisdiction.

SEC. 2. (a) It shall be the function of the Committee to—

(1) assess the foreign policy objectives of the United States with a view to determining how such objectives relate to the maintenance of American security;

(2) review the appropriateness of this nation's commitments abroad in relation to such objectives;

(3) evaluate the general contingencies under which the United States is prepared to employ military force to meet its foreign policy objectives, to carry out its commitments abroad, and to protect its security interest; and

(4) examine the missions and capabilities of major United States military components in terms of the contingencies they are designed to meet and the foreign policy objectives which they are intended to serve. In carrying out this function, the Committee shall, insofar as it is practicable to do so, determine the respective policy objectives which can be achieved at various alternative military force levels, identifying within such levels the principal missions, capabilities, and costs of major military components in such detail as is necessary.

(b) The Committee shall submit an annual report to the Senate not later than May 15 of each year, the first report to be submitted not later than May 15, 1971. Each annual report shall contain a comprehensive summary of the work of the Committee during the preceding year and shall include such recommendations as the Committee deems appropriate with regard to the matters referred to in subsection (a) above. The Committee shall from time to time make such other reports and recommendations to the Senate as it deems in the national interest.

SEC. 3. (a) For the purposes of this resolution, the Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants; and (8) enter into such contracts with private organizational and individual consultants as it deems advisable.

(b) Upon request made by the members of the Committee selected from the minority party, the Committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the Committee may receive compensation at an annual gross rate which exceeds by more than $2,800 the annual gross rate of compensation of any individual so designated by the minority members of the Committee.

(c) With the consent of the department or agency concerned, the Committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of the chairman of any other committee of the Senate, the Committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the Committee determines that such action is necessary and appropriate.

(d) Subpoenas may be issued by the Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

The remarks, presented by Mr. CASE, are as follows:

For a very long time the main thrust of political thinking in the United States was to build up the Presidency and to downgrade the authority and prestige of Congress. The "strong President" was much admired.

This has had a good deal to recommend it, especially in domestic matters on which a national viewpoint is often far superior to the least common denominator of sectional or parochial views. But a by-product was to blind the nation to the potential danger of the power center it was creating in the White House.

More recently, aroused by the Vietnam war and now sharply heightened by the Cambodian incursion, is a spreading awareness of this danger. We are shocked by the apparent impotence of Congress to check the President's ability to expand or contract American commitments and to initiate military operations practically at will and on an almost instantaneous, ad hoc basis.

This is a very complex subject. A comprehensive discussion of it would far exceed the proper limits of my remarks this evening. But there is one aspect of the matter to which I would briefly direct your attention.

In part, the Executive has come to hold this awesome power because he has at his instant disposal an enormous military capability that has not been related in any

meaningful way to this country's foreign policy objectives in a process open to either public or Congressional examination, discussion, and participation.

Again, in part, because few prior constraints have been established regarding the goals our military forces serve and the conditions under which they will be employed, the Congress has typically found itself limited to after-the-fact objection to their commitment.

Dissent in such circumstances is attacked on the ground that war-time is not the proper time to engage in internal or policy disputes.

Moreover, if Congress has previously appropriated funds for a military capability without examining the contingencies under which it would be used, if it has passively acceded to forward deployment of our military forces in the eye of potential disturbances, then its second thoughts are somewhat difficult to justify in terms either of logic or of relevance. Still less likely are such second thoughts to have significant political impact.

It is especially true as regards our conventional military forces, that their relation to our foreign policy objectives has typically been left undefined. Secretary Laird, in his 1970 Posture Statement, said that ". . . it is not possible to provide a precise analysis of what our obligations represent in terms of U.S. military forces."

But to state that there can be no precise or mathematical equivalence between foreign policy objectives and defense posture is not the same thing as providing that there is, and can be, no broad relationship between the foreign policy and security requirements of this nation and our military capability.

The question is not whether there is such a relationship. Obviously, there is.

The question is whether the size, and nature, and cost, of our military establishment shall be consciously and rationally determined in the light of our defense needs and our foreign policy objectives or whether our military establishment shall be allowed to expand and proliferate almost without check and almost without reference to our real needs.

The latter situation, unfortunately, has too generally obtained in the past with the result that we have gotten the cart before the horse, with our military posture determining our foreign policy and our commitments around the world.

The further question, of course, is: who has a responsibility to see that the horse is put back and kept in front of the cart?

Given the customary acquiescence of Congress in these matters, it is scarcely surprising that Secretary Laird should use the specious issue of mathematical equivalence as a polite way of asserting that this decision as to ends and choice of means is not the business of Congress. It is certainly true that Congress has indeed had little influence or say in the process by which our conventional military capability has been decided upon. Still less has it exercised any effective role in determining the conditions under which such forces will be employed.

The Cambodian intervention is, in one of its several aspects, an example of the consequences of this state of affairs. In part, the intervention derives from the decision, made during the Kennedy Administration, to develop a counter-insurgency capability. As Congress had no conscious role in the decision, so also it had only the slightest influence in the subsequent metamorphosis of our national security objectives leading, ultimately, to the Vietnam war.

Nor does the recitation of Congressional abdication end there.

In 1965, an extra $5 billion was included in the defense budget. Although the Congress was not to become generally aware of what it had voted for until four years later, this sum was approved to provide for the extreme contingency of *simultaneously* fighting a major land war against the Chinese, another against the Soviet Union, and yet one more of the "brushfire" variety—this is the "2½ war" concept you may have heard of.

I do not have to tell you that this extra $5 billion provided for the Chinese contingency was not debated in the Congress. In contrast, in that same year the Congress agonized considerably over the proposal to appropriate something less than $2 billion for elementary and secondary education.

The postscript to this affair is no less extraordinary. Last fall, the Defense Secretary mentioned at a committee meeting, almost in passing, that our conventional posture had been reduced to a "1½ war" capability. Congress had no role in that decision either.

Even after our involvement in Southeast Asia has become history, so long as our defense posture and the guidelines for its employment are not in agreement with this nation's foreign policy commitments and requirements as consciously, deliberately and continually interpreted by a majority in Congress, the tension between Congress and the Presidency and the country's concern over the aggrandizement of presidential power will persist.

The correction of this condition will not just happen. It will not happen unless we establish some mechanism or institutional means by which Congress can have a meaningful voice in the process by which our foreign policy needs are determined and our defense posture is developed to meet those needs. If, but only if, Congress incorporate this function in its formal structure, will it make the first truly meaningful declaration of its intention to fulfill the full measure of its constitutional responsibilities in providing for the security of this nation.

And Congress must get a handle on the problem of the size and the nature and the cost of our military establishment if the nation is to make rational choices as to priorities to be assigned in the allocation of our resources among the competing needs of our society.

The current structure of Congress is not responsive to this need.

The separate jurisdictions of the Armed Forces and Foreign Relations Committees of the Senate, for example, reflect just that division in Congress between foreign policy and our defense policy which has made the contribution of Congress in both fields essentially meaningless.

Yet both Committees already have an enormous workload. And with foreign relations constantly undergoing fundamental changes and weapons systems continually becoming more incredibly complicated, it is unrealistic to expect either of these Committees and, especially their staff, to undertake another burden so complex as national security policy.

Recognizing the dilemma of separate jurisdictions and a requirement for joint action, it would be most logical to establish a joint standing committee of the Senate called perhaps the Senate Select Committee on National Security Policy.

This committee might be composed of members from both the Committees on Foreign Relations and Armed Services.

Modeled on the Joint Economic Committee of the Congress, the new committee would be non-legislative and advisory.

Its function would be to examine this nation's foreign policy and security requirements as they affect the size, nature, and deployment of our armed forces, present and future. Having access to the assumptions underlying our defense posture through Executive Branch witnesses and major planning papers, this committee also would make an annual report to the Senate reviewing U.S. foreign policy objectives and the defense posture necessary to accomplish these objectives, thus providing a frame of reference for the appropriate standing committees.

Above all, this committee would open to public discussion and Congressional consideration the broad conditions under which this country is prepared to employ its military force. Regarding my own effort to bring about an examination of this country's need for 15 aircraft carriers, for example, this committee would be charged with the task of applying the following basic questions to every major component of our defense posture: "Where in the world, and against whom, will we want to apply it, and what should we pay for this capacity?"

Within the next few weeks I shall make a formal proposal for the establishment of this new committee.

As a forum for the discussion of the as yet largely unexamined assumptions of our foreign and defense policies, I believe that the committee's most important function might be to help bring about that broad public understanding and agreement which is essential to the continuation of our democratic system of government.

How and what Americans are willing to die for simply cannot be a matter of Executive fiat. Within the limitation of that dissent which is essential to the health of our society, the American people must agree of their free will upon the broad objectives of their foreign and defense policies.

I do not suggest this is the sole cause of the deep disquiet affecting our country today. But I do think it is one of the causes, and an important one.

Finally, I would emphasize that our present turmoil and the particular problem I have briefly discussed do not represent a "Constitutional crisis" in the sense of any deficiencies in the terms of the Constitution itself.

The trouble does not lie in the Constitution but rather with all of us who have permitted the neglect of its intent.

It is important, I think, that this distinction be understood by every American, and especially by our young people. It is not the system of government provided by our Constitution which is unresponsive. The trouble lies in our failure to implement it.

And surely the democratic process itself cannot be faulted, for only within its framework can the people control policy and the actions of their government.

And yet, however true this is as an abstract proposition, it will have little meaning for anyone unless we in the Congress demonstrate that we understand, and that we are able, and that we are determined, to fill our Constitutional role.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1121

THE EARNINGS LIMITATION SHOULD BE REPEALED

Mr. GOLDWATER. Mr. President, consistent with the position I have taken ever since my first term in the Senate back in 1953, I am submitting an amendment to repeal the arbitrary earnings limitation of the Social Security Act.

By the earnings limitation I mean the outrageous penalty which the law imposes on the person on social security who earns more than $1,680 per year.

As the law now stands, a person receiving social security is denied $1 for every $2 he earns in excess of $1,680 per year. If his earnings go above $2,880 per year, then his benefits are cut dollar for dollar. The only exemption is for persons 72 and older.

Mr. President, this is wrong. It is wrong logically, and it is wrong morally.

It is wrong morally because social security should not be a contract to quit work. Neither should it penalize a person who is able and willing to work after reaching the age of 62 in the case of a woman and 65 in the case of a man. Social security payments are not gratuities from a benevolent Federal Government. These funds are not supplied by Uncle Sam. They are merely a repayment of our own money which we have deposited, in trust, out of our own paychecks—money we contribute along with our employers. And I might point out these deductions are being made in ever-increasing amounts.

Mr. President, this denial of benefits is wrong logically because the person who is penalized is often the one who has the greatest need for more income than his social security benefits can provide. Also, income from investments, stocks, bonds, copyrights, patents, rentals, dividends, and other pensions is not counted in determining whether social security benefits can continue.

This means we have the completely illogical situation where a wealthy person might draw a million dollars a year from his investments and still receive his full social security check. At the same time, the man who has worked for a salary all of his life and who might need to work as a matter of economic survival cannot do so without a penalty.

And I might add the dollar in benefits which the Government takes away from him is really of greater value than a dollar of earnings because of the tax and work expense drain on his earnings.

Mr. President, there are nearly 2 million people who are affected because of the earnings ceiling. Over 8 million persons are technically subject to the limitation, but about 6 million have no earnings at all.

Of the 2 million or so who are affected, almost half are earning enough over $1,680 so that they receive no benefits at all. Another 700,000 are earning over $1,680 and are getting some, but not all of their benefits. Finally, there are about 300,000 who are earning only $100 or $200 below the ceiling of $1,680. They are getting their full social security benefits, but nearly every one of them is holding his earnings down because of the earnings limitation.

Mr. President, it is time this statutory inequity was removed from the law. To my mind, workers who have contributed from their earnings into the system are entitled, as a matter of right, to receive benefits when they reach the minimum retirement age. Further, it is my belief as a conservative that each worker should be able to earn, without unfair restrictions, to the full limit of his ability and initiative.

Mr. President, it is very interesting for me to observe where the primary opposition to this change is coming from. The battle against repeal of the earnings ceiling is being led by none other than the AFL–CIO.

Here is the self-proclaimed champion of the workingman denying him of his right to his own hard-won benefits. What is their reason? Well, it is hard to believe, but the AFL–CIO claims the group of citizens who would benefit by the change is to small. In writing to the House Ways and Means Committee on November 19, 1969, Mr. Andrew Biemiller, director of the labor organization's department of legislation, protested that the removal of this test would "help a small minority of the aged who earn substantial income after retirement—many of them well to do."

Well, it is nice to know the AFL–CIO thinks anyone who earns over $1,680 is "well to do." But what amazes me is how the labor chiefs brush aside 2 million senior citizens as "a small minority." Can it be the AFL–CIO has no interest in true equities or human needs? Does this organization only take up the cause of minorities which are large enough to pack a major political clout?

Mr. President, I must state the AFL–CIO also claims it opposes making this liberalization because the money could be spent on other "social needs." But here, too, I must challenge big labor's concept.

For it is exactly this attitude which reveals a contempt for the average American worker. It stems from a philosophy which holds that people are always served best by a paternalistic treatment.

But, Mr. President, the beneficiaries of our social security program are not wards of the Government, they are not relief recipients, they are not objects of charity, and they are not the inmates of a poorhouse. They are self-respecting Americans who, in substantial part, have paid for the benefits which they will receive when they retire.

Mr. President, I want to correct this false impression about the social security system right here and now. For it is generally agreed by experts that the worker's contribution is designed to guarantee each worker that his benefits are paid as a matter of right.

For example, in January 1959, the Advisory Council on Social Security Financing reported:

> The fact that the worker pays a substantial share of the cost of the benefit provided, in a way visible to all, is his assurance that he and his dependents will receive the scheduled benefits and that they will be paid as a matter of right without the necessity of establishing need. The contribution sets the tone of the program and its administration by making clear that this is not a program of governmental aid given to the individual . . . (p. 62)

Six years later a second official body made a similar conclusion. In its January 1965 report, the Advisory Council on Social Security stated:

> Under the social security program the right to benefits grows out of work; the individual earns protection as he earns his living, and up to the maximum amount of earnings covered under the program, the more he earns the greater is his protection . . .
>
> The fact that the program is contributory—that employees and self-employed workers make contributions in the form of earmarked social security taxes to help finance the benefits—protects the rights and dignity of the recipient. . . . The covered worker can expect because he has made social security contributions out of his earnings during his working lifetime, that social security benefits will be paid in the spirit of an earned right, without undue restrictions, and in a manner which safeguards his freedom of action and his privacy. (p. 2)

Thus, Mr. President, there is no question but that it would be in keeping with the best traditions of basic social security philosophy to allow a worker to receive his full benefits automatically at the minimum retirement age.

What will it cost? Well, it is estimated the funds needed would be about $2.5 billion a year.

Where is this coming from? Let me say I am willing to take the bull by the horns and suggest the newly increased benefits of persons who have already reached retirement age should be financed by an automatic, annual appropriation out of general revenues. As for workers now under the retirement age, I suggest the pragmatic approach of leaving the tax rate at its current level until the taxes on the average worker are no longer adequate for his own benefits.

The concept of general revenue financing might sound unusual, but actually it was anticipated by the Committee on Economic Security whose recommendations formed the basis of the original Social Security Act.

Furthermore, it is not generally known, but there was a provision of the Social Security Act in effect from 1944 to 1950 which authorized the use of general revenues; and this method has been used by Congress before, once in 1965 to finance benefits to certain persons extended hospital insurance, and once again in 1966 to provide benefits to certain persons over age 72.

Therefore, I do not feel it is necessary to add immediately to the already high payroll tax of American workers and their employers. Their present contributions will more than pay for their own personal future benefits if we finance the improvements for retired age persons out of general funds.

Mr. President, I hope a sufficient number of my colleagues will support this amendment which is a genuine way to strengthen the social security system.

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

AMENDMENT NO. 1122

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550), to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1124

Mr. PROUTY. Mr. President, I submit an amendment and ask that it be printed.

Mr. President, I think that most of us agree that title I of the pending social security bill represents a praise-worthy step forward in our continuing fight to achieve an adequate income maintenance system for older Americans. I am personally pleased that the Senate Fi-

nance Committee saw fit to adopt several of my amendments, including my proposal for $100 minimum monthly social security payment and a 10 percent across-the-board benefit increase.

Therefore, Mr. President, I was surprised and somewhat shocked to note that section 102 of H.R. 17550, as reported by the Finance Committee, provides only a 5 percent increase to recipients of the so-called Prouty payment. I would hope that this unequal treatment for thousands of older Americans simply reflects an oversight on the part of the committee.

The amendment I am introducing would simply provide recipients of the so-called Prouty payment with a benefit increase of 10 percent, rather than the 5-percent increase provided in the House-passed bill.

Mr. President, you will recall that when we were considering the Tax Adjustment Act of 1966, I offered an amendment to that bill which provided a minimum payment out of general revenues to individuals age 70 or older who had missed being covered under the social security system during their working years. In 1966 the majority of my colleagues wholeheartedly agreed that we in Congress have a responsibility to correct an inequity which had occurred simply because of the piecemeal measure of legislation in this area. Over 1.5 million older Americans have received the special payment provided under that amendment at one time or another. Right at this moment over 620,000 older Americans receive the so-called Prouty payment.

It was not a large payment in 1966—it was only $35 a month for an individual; $52.50 for an aged couple.

It will not be a large payment under the amendment I am now proposing. It will be only $50.60 a month for an aged individual and $75.90 for an aged couple.

Mr. President, for the most of us that amount is insignificant. For those 620,000 older Americans who depend on that monthly check, a minimal amount becomes essential for their existence.

As you know, Mr. President, to be eligible under the so-called Prouty payment, an individual had to attain age 72 before 1968. Consequently, all 620,000 individuals presently receiving this payment are age 75 or older.

From the thousands of letters I received following the adoption of my amendment in 1966, I know how important the small monthly payment provided under my amendment was to tens of thousands of older Americans. The beneficiaries of this payment has missed out on social security because during their working years the jobs they held were not covered under the Social Security Act. These, Mr. President, were truly the forgotten Americans. I do not believe that there is an individual in this body who wants to make these 620,000 individuals forgotten victims of false economy, indifference or simple oversight.

Specifically, Mr. President, we are talking about a very small sum of money. The additional cost represented by the adoption of that amendment is only $13 million during 1971.

I would hope that all my colleagues will share with me the premise that we should provide the same benefit increase to these individuals as we provide to individuals receiving social security. Mr. President, inequity necessitates that we do and simple humanity demands it. Some might argue that we cannot afford a 10 percent increase for those receiving the Prouty payment. In this Nation, with a gross national product approaching $1 trillion, that argument has little merit.

Some might argue that those receiving the Prouty payment do not really need the increase. That argument, too, is erroneous. Most individuals receiving the Prouty payment find it their only source of income. Literally tens of thousands of older individuals attempt to exist on a meager $46 a month. The committee bill would give those individuals an increase of $2.30. That amount, Mr. President, hardly keeps pace with the inflation of the last year to say nothing of the inflation since 1967. Mr. President, in brief, I am asking this body to provide 620,000 individuals with approximately $4.60 a month.

Let us continue the course of action we began in 1966 of equal treatment for older Americans.

Let us give this group of truly forgotten Americans the same benefit increase we have provided to nearly 20 million younger citizens who are fortunate enough to be covered under social security benefits.

Mr. President, I ask unanimous consent that the text of my amendment and a brief explanation of the amendment be printed in the RECORD at the end of my remarks.

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

The amendment (No. 1124) is as follows:

AMENDMENT NO. 1124

On page 11, line 23, strike out "$48.30" and insert in lieu thereof "$50.60" and strike "$24.20" in line 24 and insert in lieu thereof "$25.30".

On page 12, line 2, strike out "$48.30" and insert in lieu thereof "$50.60".

On page 12, line 4, strike out "$48.30" and insert in lieu thereof "$50.60".

On page 12, line 6, strike out "$48.30" and insert "$50.60" and strike out "$24.20" in line 8 and insert in lieu thereof "$25.30".

On page 12, line 10, strike out "$24.20" and insert in lieu thereof "$25.30".

On page 12, line 12, strike out "$48.30" and insert in lieu thereof "$50.60".

On page 12, line 14, strike out "$24.20" and insert in lieu thereof "$25.30".

The explanation, presented by Mr. PROUTY, is as follows:

EXPLANATION OF PROUTY AMENDMENT TO GRANT BENEFICIARIES RECEIVING THE SO-CALLED PROUTY BENEFIT AN INCREASE EQUAL TO THE MINIMUM INCREASE GIVEN OTHER RECIPIENTS OF SOCIAL SECURITY

(Amendment to Section 102 of H.R. 17550, as reported by the Senate Finance Committee)

Beneficiary: Individuals; present law, $46 per month; committee bill, $48.30 per month (5% increase); Prouty proposal, $50.60 per month (10% increase).

Beneficiary: Aged Couples, present law, $69 per month; committee bill, $72.45 per month (5% increase); Prouty proposal, $75.90 per month (10% increase).

Additional cost of Prouty Amendment: $13 mil/year

Number affected: approximately 620,000 individuals (age 75 or over)

BACKGROUND

The Prouty Amendment to the Tax Adjustment Act of 1966 (March 1966) granted special monthly payments for persons who reached age 72 before 1968 and were otherwise ineligible for regular social security benefits. These benefits are paid for out of general revenues rather than the social security trust funds.

Over 1.5 million people have benefited from this amendment which originally provided a $35 per month benefit.

Today about 620,000 individuals, who are now age 75 and older, continue to receive the benefit, which under present law is $46 per month. For these individuals the Senate Finance Committee retained the 5% benefit increase contained in the House-passed bill even though the Committee provided at least a 10% increase for all other beneficiaries.

AMENDMENT NO. 1125

Mr. MILLER submitted amendments, intended to be proposed by him, to House bill 17550, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1126 AND 1127

Mr. SAXBE. Mr. President, in January of this year, I submitted an amendment to the Family Assistance Act to increase the bill's provision for a guaranteed income to the elderly. The Family Assistance Act, in its original form, had a guarantee of $90 a month to those 65 and over. My amendment increased that figure to $155 a month, the amount needed to lift an elderly individual out of poverty. In April the House increased the $90 guarantee provision to $110; and the new compromise family assistance plan—the Ribicoff-Bennett amendment to the social security bill—raised the figure to $130.

The Senate Finance Committee, although not including the family assistance plan in the social security bill, did however include the "guarantee to the elderly" provision and set the amount at $130 a month. I am pleased that the committee singled out this guarantee provision and incorporated it in the social security bill. However, I would like to increase that $130 to the $155 figure in my original amendment.

According to the most recent statistics, the official poverty line for an aged individual is $155 a month and for an aged couple, $197 a month. The social security bill, H.R. 17550, provides $130 for an individual and $200 for a couple. I am submitting an amendment to H.R. 17550, lifting the guarantee to the individual from $130 to $155. This seems a bare minimum action at this time—to assure our older Americans that they can be lifted at least to the poverty line. I, therefore, ask that the amendment to H.R. 17550 be printed and ordered to lie on the table.

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

Mr. SAXBE. Mr. President, I submit a second amendment—this one to Mr. RIBICOFF and BENNETT's amendment No. 1097 to H.R. 17550. It also lifts the guar-

antee for an aged individual from $130 to $150 a month. I ask unanimous consent that the amendment be printed and ordered to lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1128

Mr. CANNON. Mr. President, I rise at this time to submit an amendment to House Resolution 17550, the House passed Social Security Amendments of 1970 which is now being debated in the Senate. I ask unanimous consent for the printing in today's RECORD of my amendment in order that my colleagues may review this proposal in detail. I ask the Senators to give serious consideration to this important amendment. Essentially, I am offering an amendment which would increase the amount of earnings a social security recipient could receive before reduction of benefits. I propose to exempt $208 per month from benefit reduction. The House passed bill permits $2,000 a year of earned income and the bill reported out of the Senate Finance Committee also permits $2,000. I propose $2,500.

Our retired citizens, perhaps more than any others, are suffering from the pains of inflation and recession. My amendment will ease the economic crisis for retired people and encourage many talented retirees to seek work that will supplement their pension income. The retired man or woman who works and earns a little money is penalized with reductions in social security payments. I think it only fair that we encourage senior citizens to work and that we remove the unreasonable limitations on the amount one can earn without reduction in payments. My amendment raises the limitation ceiling to a more realistic level and offers the kind of incentive required to encourage active, healthy citizens to continue working on least a part-time basis.

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

The amendment (No. 1128) is as follows:

AMENDMENT NO. 1128

On page 46, line 10, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 14, strike out $166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 21, strike out $166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 121, line 21, strike out $166.66⅔" and insert in lieu thereof "$208.33⅓".

AMENDMENT NO. 1129

Mr. CANNON. Mr. President, I submit an amendment to H.R. 17550 that would insert a new section 614 on page 540 after line 7 of the bill.

The proposal would amend section 4491 of the Internal Revenue Code of 1954 to exclude the first 2,500 pounds of weight in computing the aircraft use tax on nonturbine engine powered aircraft.

Actually, this is an amendment of the tax provisions contained in the Airport and Airways Development Act of 1970. As we debated that bill we were concerned that general aviation not be overburdened by either the fuel tax, the registration fees, the poundage assessment, or all three combined.

As you know, the House imposed a registration fee of $25 on all aircraft, plus a poundage tax of 2 cents per takeoff weight. We in the Senate wanted small private planes exempt from the poundage tax, among other things, but the best we could do in conference was the 2,500 pounds exemption.

Here is the way the poundage tax works. If you own an aircraft that has a maximum certificated takeoff weight of 2,500 pounds or less, you would only pay the $25 registration fee.

However, if your aircraft weighed 2,600 pounds, you would pay, in addition to the registration fee, 2 cents a pound on 2,600 pounds, or an additional year tax of $52.

This, I believe, was not the intent of Congress and must be corrected. The 2,500-pound exemption should apply across the board, as many of us expected it to be applied.

My amendment would apply the exemption across the board, and I hope it can be adopted before we adjourn this year.

We have imposed too heavy a burden on the thousands of private pilots. Besides the 7-cent-per-gallon fuel tax, the yearly registration fee and the poundage tax, the States have moved into this area.

Let us fix the poundage tax now, and next session I intend to introduce legislation with my chairman, Senator MAGNUSON, on the fuel tax.

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

AMENDMENT NO. 1130

Mr. CANNON. Mr. President, I submit an amendment to H.R. 17550, the House-passed Social Security Amendment of 1970, which is now being debated on the Senate floor. I ask unanimous consent for the printing in today's RECORD of my amendment in order that my colleagues may review this proposal in detail. My amendment would require the States to disregard all social security benefit increases in determining need for public assistance.

Many retired citizens have gone through the sad experience of discovering that the social security increases authorized by the Congress are offset by State action which reduces old-age assistance payments in proportion to the social security increase. In other words, the retired citizen may receive no benefit at all from a social security increase as a result of State action which reduces old-age assistance. I recognize that the Senate Finance Committee has attempted to correct this inequity with the $10 pass-along provision. I am pleased that the committee has taken action which insures recipients of receiving at least $10 of future increases. I propose that the Congress move to eliminate the inequity in entirety by requiring the States to disregard social security benefit increases authorized by the Congress when determining their income need figure for public assistance. My proposal will not place any great financial burden upon the States, but it will ease the economic crisis facing many of our retired citizens.

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

The amendment (No. 1130) is as follows:

AMENDMENT NO. 1130

Beginning on page 408, line 13, strike out all through page 408, line 20.

On page 522, between lines 21 and 22, insert the following:

(c) Notwithstanding the provisions of section 2(a)(10), 1002(a)(8), 1042(a)(8), and 1602(a)(13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard, in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if——

(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of section 101 of this Act——

(A) such individual received aid or assistance under such State plan;

(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of section 101 of this Act.

On page 522, line 22, strike out "(c)" and insert in lieu thereof "(d)".

AMENDMENTS NOS. 1132 THROUGH 1138

Mr. HARRIS. Mr. President, I send to the desk a series of amendments to the amendment numbered 1097 proposed by the distinguished junior Senator from Connecticut (Mr. RIBICOFF) and the distinguished senior Senator from Utah (Mr. BENNETT). I ask that these amendments be printed.

The amendments are being offered by myself, the distinguished senior Senator from New York (Mr. JAVITS) and the distinguished junior Senator from South Dakota (Mr. MCGOVERN).

Senator RIBICOFF and Senator BENNETT are to be congratulated for their efforts to have the Senate pass legislation to reform our welfare system during this term of Congress. The present system is such a failure that every effort must be undertaken to enact meaningful legislation to reform our system.

The Ribicoff-Bennett amendment is a substantial improvement over the last version of family assistance which was supported by the administration and voted upon by the Finance Committee.

The supporters of the amendments I am introducing believe that further improvements can and should be made in the family assistance plan. I believe these amendments to be essential, if the reform is to be truly meaningful.

The amendments we are offering to the Ribicoff-Bennett amendment accomplish the following purposes:

First. A stronger statement of goals should be enacted by the Senate. I believe that the Senate should vote to make a goal of full Federal financing and Federal administration within the decade. Reform of our system must involve complete federalization of our welfare system. This has received the support of Governors and other officials because of the financial problems facing our States.

Second. Any person forced to take a job must receive at least the Federal minimum wage, the State minimum wage, or the prevailing wage; whichever is the highest. The minimum wage level of $1.20 set forth in the Ribicoff-Bennett amendment is an improvement of earlier versions of FAP, however, the minimum wage is exactly what it is—a minimum wage and anything less must be considered as inadequate. We should not discriminate against low-income people by forcing them to work at wages of $1.20 an hour or $2,500 a year.

Passage of this amendment is essential if we are to guard against creating a captive work force, with an insufficient standard of wage to be paid, that would be available to employers. The effect of this would be to keep wages so low that millions will remain in poverty, though working full time.

The language of this amendment is identical to the language of the Employment and Training Opportunities Act of 1970.

Third. Mothers with school-age children under 16 should not be required to take job training or accept a job if either the training or the employment would require them to be away from home when such child is not attending school.

This concept was approved by the Senate in 1967 during consideration of an amendment offered by the late Senator Robert F. Kennedy.

Fourth. Any system of welfare should provide for an automatic annual adjustment in benefits based on changes in the cost of living. Automatic increases for social security benefits are provided for in H.R. 17550 and welfare recipients should receive the same consideration.

The amendment we are offering calls for an annual adjustment after enactment of the family assistance plan.

Fifth. The legal rights of the recipients should be adequately protected. Benefits to needy children should not be terminated whenever their mother remarries. There is a question as to whether the Ribicoff amendment adequately protects welfare children and the amendment we are offering would preserve the rights of needy children under current law by allowing States to implement step-parent support rules only if they apply to all step-parents, not just those of welfare children.

The amendment eliminates any questions about the support obligations of parents, by placing the determination of the liability for family assistance benefits owed by a parent living outside the household in the hands of a court, just as is usually the case for parents of nonrecipients.

The amendment also prohibits benefits for children to be paid to someone outside the family in cases where the parent refuses to accept the job offered. The parent's benefits could still be withheld but other family members would be assured of receiving their entitlements.

Sixth. The food stamp program should be simplified by providing that people receiving family assistance benefits or aid to the aged, blind, and disabled simply receive the bonus value in stamps, thus eliminating the purchase requirement. This would reduce the administrative cost of the stamp program borne by the States, without eliminating the food stamp program for those not eligible for assistance or aid to the aged, blind, and disabled.

Senator McGOVERN introduced this proposal earlier this session and will reintroduce it as an amendment to H.R. 17550.

Seventh. As stated in first, true reform of our welfare system will require full federalization of the system.

One of the amendments offered would provide full Federal administration, which would eliminate the undesirable and duplication administrative provisions of the family assistance plan.

Eighth. It is essential that any system of reform enacted by Congress does not result in a lower level of benefits than under the present law.

While the Ribicoff-Bennett amendment has improved substantially the family assistance plan in this regard, a question does exist as to whether the amendment has remedied all the possible situations where benefits could be lower.

The amendment offered is intended to accomplish the following:

Maintain present levels of supplementation to working mothers and treat families with a working mother equitably in all States;

Allow working recipients to receive the same level of allowances for work related expenses they now receive under current law. Recipients could receive less under the Ribicoff-Bennett amendment;

Retain the one-time cost-of-living adjustment passed in the 1967 social security amendments but which a number of States have not yet implemented;

Account for benefits recipients currently receive for extraordinary needs. Such needs are excluded from consideration by the Ribicoff-Bennett amendment; and

Remove the poverty level ceiling on Federal aid in States supplementation contained in the Ribicoff-Bennett amendment. This ceiling could reduce benefits for some 1,450,000 recipients in States paying more than the poverty level.

Ninth. Working poor families—poor families headed by full-time working males—must be made eligible for State supplementary payments as well as for the Federal cash payment—if we are to avoid perpetration of the inequities, and work disincentives present under the current system.

Amendment No. 1118 to the Ribicoff-Bennett proposal, submitted by Senator JAVITS, is designed to correct this inconsistency.

Tenth. We must insure that child care provided under the Family Assistance Act respects the developmental needs of the child by providing educational, health, nutritional, and related services necessary to help each child reach his full potential.

Amendment No. 1119 to the Ribicoff-Bennett proposal was submitted by Senator Javits to that end.

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

AMENDMENT NO. 1139

Mr. HARRIS. Mr. President, I send to the desk, for myself and the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from South Dakota (Mr. McGOVERN), an amendment intended to be proposed by us, jointly, to H.R. 17550. It is composed of the amendment proposed by Senators RIBICOFF and BENNETT with the addition of amendments I and others feel should be added to it.

We would prefer to offer these amendments separately and individually at the time the Ribicoff-Bennett amendment is offered, if the parliamentary situation will allow.

I ask unanimous consent that this amendment be printed and lie at the desk.

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

AMENDMENT NO. 1140

ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

Mr. PELL. Mr. President, I submit an amendment to H.R. 17550, the Social Security Amendments of 1970. My amendment would allow ministers to be treated as employees, instead of as self-employed persons, under the Social Security Act, if the employer of the minister and the minister enter into a voluntary agreement.

In 1954 when ministers were first allowed to receive social security benefits, the Congress decided to treat them as self-employed persons because to treat them as employees might involve a situation where the Federal Government was imposing a mandatory tax upon churches in possible violation of the first amendment of the Constitution.

This treatment of ministers as self-employed persons has imposed a number of hardships on ministers and clergymen. Although many ministers are in fact employees of a congregation or church, just as choirmasters or janitors, ministers are forced to pay a higher social security tax because they are classified as self-employed persons even though the choirmaster and other similar church employees might be paying the lower social security tax rate as employees.

I ask unanimous consent that a letter I received from the executive director of the Rhode Island State Council of Churches regarding this inequity be printed in the RECORD at this point.

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

THE RHODE ISLAND
STATE COUNCIL OF CHURCHES,
Providence, R. Is., October 2, 1970.

Hon. CLAIBORNE DEB. PELL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: For some time I have been concerned about what I feel is an inequity in the social security regulations.

Under the present system clergymen are considered "self-employed." To me this is a fallacy because I do not know a clergyman of any religious persuasion that is self-employed. That term may apply to a farmer or a doctor or some other occupational groups, but every clergyman is either employed by a local congregation or appointed by a Bishop—thus sustained by a local church and is dependent upon that church for his sustenance.

Under the present regulations I feel clergymen are discriminated against in that they are required to pay the total percent of our social security while the thousands of lay people who live within our church get one half paid by their employer.

I urge you to introduce legislation that would amend this present inequity, and make the social security tax more in line with what the real situation is. There are thousands of clergymen across the nation that would be indebted to you if this amendment could be introduced and passed as quickly as possible.

May I hear from you on this matter.

Sincerely yours,

WAYNE ARTIS.

Mr. PELL. Mr. President, another problem that has developed because of the mandatory treatment of ministers and clergymen as self-employed persons is that ministers who are serving in the employment of schools, counseling services, and other charitable organizations are still required to pay the self-employed tax even though they are not in the employment of a religious organization.

My amendment provides for a very simple solution to this problem. My amendment would simply allow for a voluntary agreement between the minister and the employing organization, whether it be a congregation or a counseling service, to have the minister treated as an employee and have the charitable organization pay a tax for him as employer. This would put him in the same position as the choirmaster or janitor.

This would reduce the tax rate for ministers as self-employed persons from 6.3 to 4.2 percent as employees. Since the charitable organization as an employer would be contributing 4.2 percent to the minister's account as their employee, the total amount of funds going into the social security trust fund for the minister would be 8.4 percent, nearly a 2-percentage point increase over the amount going into his account as a self-employed person. This would mean increased benefits for the minister in the long run.

I believe this amendment is reasonable and straightforward. It involves no cost to the Federal Treasury. I would hope it would be favorably considered.

I ask unanimous consent that an explanation of my amendment and the amendment be printed in the RECORD at this point.

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

The amendment (No. 1140) is as follows:

On page 123, after line 24, insert the following new section:

"ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

"SEC. 134. (a) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(p)(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code, by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section beginning with the first day of the calendar quarter in which coverage under section 3121(r)(3) of such Code becomes effective with respect to such service.

"'(2) Service performed in the employ of an American employer as defined in subsection (e)(3), (4), (5), or (6), other than an employer specified in paragraph (1) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, shall constitute employment under this subsection for any calendar quarter in which an election under such section 3121(r)(2)(A) is effective for him.'

"(b) Section 210(a)(8)(A) of such Act is amended by striking out 'Service' and inserting in lieu thereof the following: 'Except as provided in subsection (p), service'.

"(c) Section 211(c) of such Act is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: 'or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under subsection (p) of section 210'.

"(d) Section 3121 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"'(r) Ministers.—(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a), by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section if—

"'(A) an exemption under section 1402(e) is not effective with respect to him;

"'(B) he has elected to have such service covered as employment under this section; and

"'(C) the organization has elected to have such service covered as employment under this section.

"'(2)(A) any minister who makes an election under paragraph (1) shall file a certificate of such election in such form and manner, and with such official, as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the minister wishes such election to become effective for him, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such minister files such certificate, whichever is later, or (ii) after the first day of the quarter following the quarter in which such minister files such certificate.

"'(B) Any organization which makes an election under paragraph (1) shall file a certificate of such election and a waiver of exemption from taxes imposed by section 3111 in such form and manner, and with such official as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the organization wishes such election to become effective for such organization, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such organization files such certificate of such election, whichever is later or (ii) after the first day of the quarter following the quarter in which such organization files such certificate.

"'(3) Coverage shall become effective with respect to service specified in paragraph (1) on the first day of the first quarter for which both an election by the minister is effective under paragraph (2)(A) and an election by the organization is effective under paragraph (2)(B). Such service shall constitute employment under this subsection beginning with the first day of the calendar quarter in which coverage is effective with respect to such service.

"'(4) Any election under this subsection shall be irrevocable. An election made under this subsection by a minister shall apply with respect to any service performed by such minister in the exercise of his ministry in the employ of any organization which has made an election under this subsection or in the employ of any employer specified in paragraph (6); an election made under this subsection by an organization shall apply with respect to any such service performed in the employ of such organization by a minister who has made an election under this subsection.

"'(5) An organization which has made an election under this subsection or an employer specified in paragraph (6) shall not, for purposes of sections 3102 and 3111, be considered to be the employer of any minister who has not made an election under this subsection.

"'(6) Service performed in the employ of an American employer as defined in subsection (h)(2), (3), (4), or (5) by such a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this subsection for any calendar quarter in which an election under paragraph (2)(A) is effective for him.".

"(e) Section 3121(b)(8)(A) of such Code is amended by inserting before 'service' the following: 'except as provided in subsection (r),'.

"(f)(1) Section 1402(c) of such Code is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: 'or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under such subsection (r) of section 3121'.

"(2) The last sentence of paragraph (1) of section 1402(e) is amended by inserting before the period at the end thereof the following: 'or if he has made an election under section 3121(r)'."

The explanation, presented by Mr. PELL, is as follows:

EXPLANATION OF AMENDMENT FOR PERMITTING MINISTERS AND THEIR EMPLOYERS TO ELECT SOCIAL SECURITY COVERAGE AS EMPLOYMENT OF THE SERVICES

1. Services performed in the exercise of his ministry by a minister who has not taken the exemption from social security coverage for an organization which is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954 would be covered employment under the program if both the minister and the organization elect to have his services so covered. His services for any such an organization which has not so elected would continue to be covered under the provisions applicable to the self-employed. Services by a minister who had made the election of his

ministry for a business employer whose business employees are compulsorily covered would also be covered as employment.

2. An election by a minister to have his services covered as employment would be irrevocable and all his services thereafter for any section 501(c)(3) organization which had elected to have a minister's services and for any business employer whose business employees are compulsorily covered as employment would be covered employment.

3. An election by a section 501(c)(3) organization to have services of a minister covered as employment would be irrevocable, and services thereafter for the organization by any minister who had elected coverage as employment would be covered employment.

4. A minister who has elected to have his services covered as employment could not thereafter be granted an exemption from the self-employment tax.

5. A section 501(c)(3) organization which had elected to have a minister's services covered as employment would not be liable for the employer FICA tax on the remuneration paid to a minister who has not elected to have his services covered as employment.

6. Both the minister and the organization may make the election at any time after enactment, but neither election could be effective before January 1, 1971. As specified by the minister and by the organization, coverage could begin with the quarter in which the election is made or one preceding which begins no earlier than the sixth month before the month of election or the quarter following the month of election.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATING TO POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 1123

Mr. BROOKE. Mr. President, one of the great unfinished pieces of legislation left from the 91st Congress is electoral college reform. The House overwhelmingly passed a comprehensive amendment more than a year ago. Unfortunately, however, the Senate was not able to vote on any of the many constructive proposals which were set before it.

In view of the national concern over the present method of selecting a President, and in view of the 1968 presidential election which came within a few thousand votes of being decided by the House of Representatives, this is a most distressing situation.

I have long supported direct election of the President as a democratic concept whose time came long ago. Along with other Senators, however, I have had doubts as to the workability of the popular runoff contingency which is a part of Senate Joint Resolution 1, passed by the House and proposed by the Senate Judiciary Committee. For this reason, I introduced on September 16 a proposal which would have retained the 40 percent minimum popular vote requirement of Senate Joint Resolution 1, but would have changed the contingency mechanism to a "modified district" plan which would guarantee that the general election would produce a winner without a need to resort to any further selection process, whether in the Congress or among the voters.

Since then, in discussion with other Senators, I have become convinced of the wisdom of changing the 40-percent popular-vote figure contained in the original proposal to a clear majority—50 percent or more—that would be required to elect a President.

I am hopeful that a linkage of the district plan with a 50-percent requirement can become the basis of the workable compromise for which we have been searching. It would have the advantage of providing for popular election of the candidate with the widest possible base of support.

For this reason, I am today submitting an amendment to Senate Joint Resolution 1. I recognize that it will not be acted upon this year, but I am hopeful that Members of this body will be able to give it consideration in the next several weeks, so that when the Congress next convenes we may be able to proceed with the important work of revising our system of electing the President and Vice President.

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

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 RELATING TO DISTILLED SPIRITS—AMENDMENT

AMENDMENT NO. 1131

Mr. HOLLAND. Mr. President, I understand from the staff of the Committee on Finance that a minor bill coming from the Finance Committee, H.R. 10517, is being reported today. Because of that, and because I have an amendment which I hope to have attached to that bill when it is considered—an amendment which will give fair treatment to Puerto Rico and the Virgin Islands which was formerly denied, without any intention to do so—I send to the desk an amendment, for the information of all, so that nobody can feel that there is any surprise when I call up the amendment.

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

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1099

At the request of the Senator from Iowa (Mr. MILLER), the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 1099 to amendment No. 1097 to H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, December 17, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan, vice W. Wallace Kent, being elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN); and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS OF SENATORS

SIX YEARS IN A CAGE

Mr. WILLIAMS of Delaware. Mr. President, as Christmas approaches, Lt. Comdr. Everett Alvarez, Jr., U.S. Navy, has established a new and unenviable record. He has been a prisoner of war in a foreign country longer than any other man in our history. When he is finally brought back to this country he will hold the unusual distinction of having spent some 75 percent of his naval career in a Communist prison camp. He was a junior grade lieutenant when he was shot down on August 4, 1964. Two promotions have come to him while he has been in prison.

But he is one of the lucky ones, for at least the Communists have admitted to his capture, and it is believed that he is still alive. He may even be in relatively good health, considering the treatment which the North Vietnamese habitually mete out to their captives, but of this, of course, we cannot be sure.

Of the approximately 1,500 missing men we have reason to believe are in the hands of North Vietnam or the Vietcong, less than 400 have been named as being in custody. Recently the Prime Minister of Sweden made a special inquiry about some 200 prisoners at the request of their families, and apparently the Communists have confirmed the names of fewer than 50. The cynical irresponsibility of the enemy with which we are dealing is manifest in the manner in which Hanoi has responded to the innumerable requests for information the desperately anxious families have made to them.

North Vietnam should know that nothing could so redound to their credit, among enemies and friends alike, as a clear straightforward announcement, in accordance with the terms of the Geneva Convention which they signed, as to the names and condition of all the prisoners who have had the ill fortune to fall into their hands.

BILLS THAT MUST BE PASSED BEFORE END OF SESSION

Mr. FANNIN. Mr. President, there are three bills that we absolutely must pass before the close of this session.

They are the Excise, Estate, and Gift Tax Adjustment Act of 1970, the social

security benefits increase, and the international financial institutions bill.

Certainly the most important bill as far as 26 million Americans is concerned is the social security measure. Our retired citizens living on fixed incomes have been affected severely by the rampant inflation of the past several years.

The bill provides an increase in social security benefits. It increases widows and widowers insurance benefits.

Another title of the bill provides for substantial increases in pensions to veterans with non-service-connected disabilities.

It certainly will be a blow to many retired persons if we should delay in passing this bill. As it is, they will have to wait until next April at the earliest to collect the additional payment.

We can make a lot of Christmases a great deal merrier by passing this bill within the next 8 days.

As for the excise tax bill, it is a very necessary anti-inflation measure.

This bill would result in an estimated revenue increase of $730 million in the current fiscal year.

It would increase revenues by an estimated $3.3 billion in fiscal 1972.

We have received some alarming estimates of Federal budget deficits for the current year. This deficit will occur at a time when we desperately need to balance our budget to fight inflation.

This bill will not cure the inflation by any means—the deficit still will be huge. But this bill is one step that can be taken quickly and easily.

It would be a shame if the excise tax bill were lost in an avalance of filibusters.

Mr. President, as for H.R. 18306, the international financial institutions bill, it is essential to America's continued leadership in assisting underdeveloped countries.

This bill would increase our quota in the International Monetary Fund. The IMF plays a vital role in the regulation of international trade.

Our contribution to the fund should not be regarded as assistance but rather as an aid to continuing our international trade.

Mr. President, I urge the Senate to agree to the plan to be proposed by the distinguished Senator from Delaware, for wrapping up the important business of the Senate.

THE PRESIDENT'S NEWS CONFERENCE A SUCCESS

Mr. GOLDWATER. Mr. President, on Thursday, December 10, 1970, President Nixon held a news conference at which he dealt very capably with a number of questions of national significance. The text of the President's news conference was placed in the RECORD on December 11 by the distinguished junior Senator from West Virginia (Mr. BYRD).

According to an account of the news conference in the Christian Science Monitor:

All in all, it went off quite well. Much better than most people could do after the few hours' sleep which the President had during the railroad crisis the night before.

Mr. President, as I recall there was considerable fuss in the press a few months ago about the apparent advantage in free television time accruing to our political party. This is supposed to result from the fact that the President of the United States, who is a member of our party, "dominates" the air waves when he holds a news conference. The complaint was that we were taking advantage of the Presidency to achieve political exposure.

In recent weeks, of course, the complaint has been precisely the opposite. It seems now that a few months have passed without a formal news conference. So members of the news media complain that the Republic has been deprived of its right to see its President.

To critics such as these, the President can do nothing right. It would be impossible so to time his news conferences as to please both sides of these spurious arguments. The critcisms themselves are political, or at least politically inspired.

The Christian Science Monitor has put this kind of carping in its proper perspective. I therefore ask unanimous consent that the article by Mr. Courtney Sheldon be printed in the RECORD.

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

"YOU CAN'T SIZE UP NIXON IN 32½ MINUTES"

(By Courtney R. Sheldon)

WASHINGTON.—Fourteen days to Christmas, 1970, and the President of the United States is hard on Hanoi, medium on Moscow, light on liberals (Republicans only), and soft on Scranton.

Which is another way of saying:

President Nixon is giving away nothing to North Vietnam, and he may get nothing good in return—and thereby the outlook for a negotiated peace in Vietnam is as bleak as before.

The frigidity and mistrust that followed the clandestine deployment of Soviet missiles during the Middle East cease-fire is replaced by a mood of at least "we are talking."

The Republican liberals are indispensable to the GOP and Mr. Nixon in the 1972 presidential election, though maverick folly like New York Sen. Charles A. Goodell were expendable this year.

Vice-President Spiro T. Agnew's characterization of the Scranton report as "pablum for permissiveness" was too tasteless for Mr. Nixon, and he is sweetening the administration's attitude toward students.

How does one really see the complete Nixon with the help of 18 blinding floodlights and 30 questions in 32½ minutes of press conference?

He doesn't. But he knows something more of his attitudes, hopes, and fears than when the chief executive is hidden from the edgy, probing press corps.

As in the few previous press conferences of this administration, he was the master of the press-conference format Thursday evening.

"NO DUNKIRK IN ASIA"

He perspired, he was good humored, he admitted a mistake. He ducked here and weaved there, always knowing thoroughly the subject of the question and safeguarding himself. The image on the family TV screen surely must have been impressive.

Just how tough Mr. Nixon will be on Hanoi if it shoots at United States reconnaissance planes is already as plain as the bomb craters on the face of North Vietnam.

But Mr. Nixon now more explicitly threatens more scorching of North Vietnam if the Communists increase the level of fighting. No Dunkirk in Asia, he is saying.

He declines to name any more dates for withdrawal of U.S. forces lest he weakens the U.S. negotiating position in Paris.

Whether this position can be maintained for long as the 1972 election nears—and the doves become restive—is a legitimate question.

Ten hours before the Dec. 10 press conference, an Associated Press story from Stockton, Calif., reported: "All United States military forces will be out of Vietnam in 14 months, says presidential adviser Robert Finch. That's a figure I pulled out of the air. It seems like a reasonable time to expect disengagement."

On Cambodia, Mr. Nixon backed up what Secretary of Defense Melvin R. Laird has been telling suspicious senators. "None whatever," Mr. Nixon shot back to a question on whether he could "foresee any circumstances whatever under which we would use ground troops in Cambodia."

INCOMPLETE REPLY

It seems a clear enough answer until one hears Mr. Nixon reply incompletely to the question: "How do you plan to keep your quarter-billion-dollar aid program for Cambodia from escalating into a guarantee of the survival of the Cambodian Government?"

"The quarter-billion-dollar aid program for Cambodia is, in my opinion, probably the best investment in foreign assistance that the United States has made in my political lifetime. . . . The dollars we send to Cambodia save American lives and enable us to bring Americans home."

In Western Europe the U.S. is joining in a reinvigoration of NATO; in the Middle East, the Soviets unblushingly arm the Arabs; in Berlin, the Communists continue to tamper with access routes, and temperatures rise.

Relations with the Soviets are not happy dinner talk for diplomats. But Mr. Nixon "would only suggest that U.S.-Soviet relations are going to continue to be difficult, but the significant thing is that we are negotiating and not confronting. We are talking at SALT [strategic-arms-limitation talks]."

It will be an "era of negotiations," Mr. Nixon said at the outset of his term, and he is still saying so.

Mr. Nixon's domestic politics, if somewhat less important in the scheme of the world, are clear to the eye.

It is plainly time to conciliate and assure those "radical liberals" in Congress whose helping hands will be needed in the next two years that Mr. Nixon has no plans to dump them as he did the liberal Senator Goodell.

"I personally expect to support all of those Republicans who may be running for the United States Senate in 1972 if they want my support, and some of them are, as you know, members of what is called the liberal wing of the party. But they are Republicans."

And on the Scranton Commission report on campus unrest which Vice-President Agnew called "pablum for permissiveness": "It is certainly not pablum."

A DOOR OPENED

There was much more to the President's first press conference since July 30—economy optimism, defense of the SST, etc., and he opened the door to the press to proposition him on improving press conferences, even suggesting he might permit "one on one," or personal interviews, and smaller and/or more frequent press conferences.

All in all, as Press Secretary Ronald L. Ziegler said later, it went off quite well. Much better than most people could do after the few hours' sleep which the President had during the railroad crisis the night before.

FATHER HESBURGH AND THE FAMILY ASSISTANCE PLAN

Mr. RIBICOFF. Mr. President, the U.S. Commission on Civil Rights and its chairman, Father Theodore M. Hes-

burgh, have been among the strongest supporters of welfare reform legislation during this Congress. Father Hesburgh has sent me today a letter eliminating any possible confusion about the Commission's earlier position and strongly reasserting the Commission's support for this critical legislation.

I ask unanimous consent that Father Hesburgh's letter be printed in the RECORD.

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

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., December 16, 1970.

Hon. ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: On December 11 I wrote you enclosing a copy of a letter which I sent to each member of the United States Senate expressing the views of the Commission on Civil Rights in support of the Family Assistance Plan legislation. Unfortunately, that letter contained a misstatement of fact to the effect that under the present plan being considered "mothers of pre-school children" would be *required* to register for work. I wish to correct this misstatement. The Family Assistance Plan does not require any mother of a pre-school child to register for work.

I apologize for any confusion my earlier letter may have caused. You may continue to be assured of the whole-hearted support of the Commission on Civil Rights and of myself for the Family Assistance Plan legislation. I hope this legislation will be enacted upon by Congress at this session.

Sincerely,

THEODORE M. HESBURGH,
Chairman.

THE TRUTH ABOUT THE SST

Mr. GOLDWATER. Mr. President, so many charges have been made relating to environmental issues allegedly involved in the production of two prototype SST's for research and development that I believe the RECORD could stand some clarification.

Accordingly, I have had some of the typical allegations relative to environmental claims about the SST identified and answered. In addition I have endeavored to show which Senators voted against the SST because of individual environmental claims of the SST critics.

I ask unanimous consent to have printed in the RECORD a list of the typical allegations made in the Senate together with the answers which I believe apply in the interests of truth.

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

SST ENVIRONMENTAL ISSUES

NOISE

Typical allegations

"When the SST takes off, and while it climbs to an elevation of 1500 feet above the airport, the noise from its engines will expose wide-spread areas of the community to unprecedented noise levels." (Senator Bayh)

"The noise disturbance at one mile from a subsonic jet is equivalent to the disturbance created with (sic) 15 miles of the SST." (Senator Bayh)

"One scientist says that when the SST roars down its 2-mile-long runway—which the taxpayers will also have to pay for—it will sound like 50 regular jets taking off at the same time." (Senator Allen)

Members voting against SST on Noise Issues: Allen, Bayh, Hatfield, Kennedy, Miller, Proxmire, Spong.

Answer

The SST climbs more rapidly than do conventional jet aircraft. This has the effect of generally reducing the noise levels to which the community is exposed. The noise footprint from the SST is such that only about ¼ to ⅕ of the total community area affected by a given noise level from current jets will experience the same noise levels from the SST.

This statement might be true if SST noise contours were circular. The best data available do not bear out this assumption. Due to the noise characteristics of afterburning turbojet engines, the first generation SSTs will produce a greater level of "sideline" noise than current jets. Most of the increase will be contained within the normal airport boundary and in most cases, the surrounding community will not notice the increase. The prototype program offers an ideal opportunity to perform full-scale research to solve the problem.

This is a misleading statement, exploiting the average citizen's lack of understanding of the complicated procedures used to define noise levels. If the same reasoning is used the other way around we can say that one subsonic jet is as noisy as a dozen SSTs on landing approach and equivalent to about 50 SSTs on the total community noise exposure.

SONIC BOOM

Typical allegations

"SST will create a sonic boom track 50 miles wide, in which windows, glassware, house foundations, and buildings will be broken and cracked." (Senator Allen)

Members voting against SST on Sonic Boom: Allen.

Answer

DOT rulemaking and Policy Statements by the President, Secretary of Transportation, Administrator of FAA, as well as Senate action to prohibit sonic boom-producing overflights of the U.S. have eliminated concern over sonic boom.

WEATHER MODIFICATION AND CHEMICAL POLLUTION

Typical allegations

"(SST proponents) tell us that the SST will emit fewer pollutants than other forms of transportation, including subsonic jets. This simply is not true . . . the SST emits more polluants, not less, than the planes that are in use today." (Senator Proxmire)

". . . SST . . . will spew its *black clouds* of fuel into the air we breathe." (Senator Allen)

"The President's own CEQ has reported that the SST *will* cause climate and weather modification because of its high altitude pollution." (Sen. Allen)

"I think we should know the effects on the atmosphere before we commit ourselves further." (Senator Percy)

". . . the possibility of climatic change as a result of high altitude exhaust emissions by a fleet of SSTs . . . was substantiated by a MIT study of critical environmental problems. . . . (Senator Percy)

". . . the potential environmental problems associated with the project are so grave that we should stop work on prototypes until more information is developed." (Senator Spong)

". . . MIT-sponsored study group meeting at Williams College in July 1970 expressed concern that cloud cover might increase and stratospheric smog might be produced by a fleet of SSTs." (Senator Bayh)

Answer

Current subsonic jets required to transport the same number of passengers per year that would be carried by the SST would emit 2 to 3 times the amount of pollutants, because of the SST's higher productivity.

The Chairman of CEQ, in fact, stated that *if* emissions from the SST cause formation of cloud layers and depletion of ozone, then world climate and weather modification *might* occur. He further stated that the two prototype SST commercial aircraft, as proposed by the Administration would not in themselves, give rise to any significant environmental problems.

The Chairman of the MIT Study group, Dr. Will Kellogg, has stated that he is "very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment." He also reaffirmed "that there is no environmental reason . . . to delay construction of the two prototype aircraft.

Members voting against SST on weather modification and chemical pollution: Proxmire, Allen, Percy, Spong, Bayh.

THE UNITED NATIONS GENOCIDE CONVENTION: LIFE OR DEATH TO MANKIND

Mr. PROXMIRE. Mr. President, a prominent New York attorney, Mr. Warren Freedman, has prepared an excellent article answering many of the objections raised concerning the Genocide Convention, in particular those raised by the American Bar Association. The article, entitled "The U.N. Genocide Convention: Life or Death to Mankind," is worthy of the attention of the entire Senate.

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

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

THE U.N. GENOCIDE CONVENTION: LIFE OR DEATH TO MANKIND

(By Warren Freedman)

It is completely unjustifiable for the Government of the United States to continue to chart its course of isolationism and disinterest on the issue of ratification of the U.N. Convention. It has been over 22 years since* the U.N. Convention on Genocide was unanimously adopted (55–0) by the U.N. General Assembly [although genocide had been declared an international crime by U.N. General Assembly Resolution No. 96 (I) on December 11, 1946]. The Convention came into force on January 12, 1951. President Harry S. Truman had first submitted it to the U.S. Senate for ratification on July 16, 1949; but from that very moment in 1949 the leadership of the House of Delegates of the American Bar Association opposed approval. This group has been successful in keeping the U.S. Government from membership in the Convention. Their arguments against ratification were as follows: (1) a state could not be held liable in damages for injuries inflicted by it on its own citizens; *but* this is but an expression of sovereign immunity which had been waived in 1946, for example, by the enactment of the Federal Tort Claims Act; (2) the intent to destroy must affect a substantial portion of that group; *but* the language of Article II of the Convention clearly refers to "group as such" and certainly does not delineate one or two individuals as a group; (3) mental harm to be sufficiently delineated must mean "permanent physical injury" to mental

*On November 23, 1970, the Senate Foreign Relations Committee voted to report favorably the Genocide Convention by a vote of 10 to 2.

faculties; *but* today brain-washing and other torture techniques involving the administration of drugs leave their permanent imprints; and (4) "complicity in genocide" must include participation before and after the commission of the crime of genocide; *but* it is the active participation by perpetrators of genocide that is delineated. The full U.S. Senate Foreign Relations Committee, after a 1950 hearing characterized by enmity, simply tabled the matter! At a mid-year meeting in Atlanta on February 23, 1970, the House of Delegates of the American Bar Association reaffirmed its position of opposition, but by the narrowest of margins, 130 to 126.

Though the world has greatly changed and the presumed risks of 22 years ago have proved groundless, the United States, alone out of 75 nations including the U.S.S.R., has not yet ratified nor acceded to the Convention. It is unjust for the United States to persist with "this sad record and the responsibility for it" because certain leaders continue to have "a parochial outlook on world problems." These are the very words of former Chief Justice Earl Warren in addressing the National Conference on Continuing Acts for Human Rights in Washington on December 4, 1968: he further castigated these leaders who have "failed to measure the element of change in the world. They have failed to recognize that men and their institutions do not stand still in the face of great changes."

To every thinking person it is unbelievable that anyone in 1970 should continue to contend that genocide "lies within the domestic sphere," and therefore beyond the pale of international concern, or that helpless people should not be protected against tyrannical governments, whenever and wherever those governments or individuals in public capacities act contrary to basic moral principles. How vacuous it is to argue that the United States Government might become the victim of charges of genocide deliberately brought against her by her enemies, should the United States become a party to the Convention. [Have we not anything to fear but fear itself?] It is similarly questionable to assert that treaties are not the proper constitutional means for the United States Government to act in such affairs as genocide. Beginning in 1945 when the United States became signatory to the U.N. Charter, some 4,000 treaties and international agreements were entered into by the United States, without any observable diminution of American sovereignty, and without any debasement of American standards or morality. It is the very arbitrariness of heinous practices of Government, or of individuals utilizing the powers of Government, in committing genocide that make it necessary that such Government and its leaders be bound to cease their international crimes. Mass murders by people in or out of government must be immediately halted. Human rights are matters of international concern. Otherwise, what relief is there from the tyranny of man over man? The Preamble to the Convention on the Prevention and Punishment of the Crime of Genocide poignantly delineates genocide as "an odious scourge" which has "inflicted great losses on humanity."

The prophets of doom and gloom who have so selfishly fought against U.S. ratification of the Genocide Convention these many years center much of their argument on the fact that the original U.N. Declaration had denounced genocide whether committed on "religious, racial, *political,* or any other grounds"; but the final Declaration in Article II substituted the word, "ethnical," for the word, "political," because of the insistence of Communist countries. But these critics fail to grasp the pragmatics of legislative "give and take." Legislative compromise is also the essence of democracy within the United Nations as well as within the United States. Still the final language does not condone the elimination of political groups, with or without the complicity of government as recently occurred in Czechoslovakia and Hungary. The reservation in Article VII that genocide is not a political crime for purpose of extradition simply assures that such perpetrators will not be allowed to hide out from prosecution.

The opponents of the Genocide Convention are perhaps very rabid isolationists who are frightened by the possibility that American citizens may be subjected to justice at the hands of a court other than an American court. These opponents have failed to heed the language of Article VI which emphasizes that "persons charged with genocide . . . shall be tried by a *competent* tribunal of the state in the territory of which the act was committed, *or* by such international penal tribunal as may have jurisdiction. . . ." All the constitutional guarantees to which the American citizen has become inured, would be respected, because in the enabling legislation which must be enacted by Congress (after American ratification of the Convention) these constitutional rights would be guaranteed. Congress can also withdraw at any time the conferred jurisdiction on an international penal tribunal over an American citizen. The so-called Connally Amendment, which is the reservation of the U.S. in its declaration of adherence to the International Court of Justice, would not preclude submission of a U.S. citizen to the judicial processes of an international penal tribunal because genocide is an international crime and not a "dispute" solely within the "domestic jurisdiction" of the U.S. Again, traditional American safeguards including jury trial are carefully preserved by virtue of the option to accept or reject on each occasion the international court's jurisdiction.

The heart of the treaty defining Genocide is found in Article II:

". . . any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

It should be noted that this definition goes beyond mass murder (i.e., the killing of Armenians by the Turks in World War I, or the fiendish murder of 6 million Jews by the Nazis), and embraces, as international crimes, mass sterilization, group drugging, and forced separation of children as a group from their parents. Unfortunately, "cultural genocide," i.e., destruction of cultural or religious institutions or suppression of schools is not expressly included, although it is certainly *implicit* in subparagraphs (b), (c), and (d). The thrust of Article II rests upon the criminal "intent to destroy" a group of people. Article III additionally covers conspiracy, direct and public incitement, attempts to commit genocide, and complicity in genocide. Article I, it should be noted, in declaring genocide to be an international crime, states that this is so, whether the crime is committed in time of peace or in time of war. Indeed, genocide is a subject of common concern to all mankind, for mass horror anywhere on earth effects everyone and every country. Genocide is, above all, a breach of international peace and security, and its ugly head must not be permitted to exist anywhere at any time.

Enforcement of the prohibition against genocide is admittedly not an easy problem; and policing, ipso facto, is not the summum bonum. It is *the universal* declaration and *the universal* warning against genocide that promises a more effective end to genocide. The world will react when the world is prepared legislatively to ban genocide, as 75 sovereign nations have demonstrated by their accession to the Convention. The destructiveness of genocide may only be compared with the destructiveness of nuclear weapons! However, the enforcement provisions of the Convention are clear: (1) the individual States must under Article V enact implementing legislation to punish *effectively* persons found guilty of genocide or the accessory crimes listed in Article III; and (2) *competent* organs of the United Nations are available to supplement such enforcement, particularly against the governments involved (Article VIII). The Security Council or the General Assembly or the Economic and Social Council are all authorized to hear the complaint. Under Article IX disputes between the States may be referred to the International Court of Justice. The so-called "Nüernberg defense," whereby persons seek to escape blame for evil acts by asserting that they were only carrying out the orders of others, is expressly repudiated by Article IV, which states that no one, not "constitutionally responsible rulers," not government officials, not military officers, and not private individuals, can escape responsibility for his actions through this defense. Furthermore, punishment for perpetrators of genocide must take place in the country where the acts of genocide occurred. All signatory States must return such fleeing criminals for trial.

Today genocide is still tragically a present threat and in no sense remote. In Africa, in the Middle East, and in Southeast Asia, ethnic hatreds, the war against hunger and depredation, and the brain-washing and torture in Indo-China are not of the past. In the U.S.S.R. there is a stifling stagnation and atrophication imposed by the Government upon its 2¾ million Jewish citizens. The U.N. Genocide Convention, when ratified by a greater number of States including the United States, will assure that these excesses will cease. Genocide is "a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world." (*Preamble* to U.N. Convention on the Prevention and Punishment of the Crime of Genocide.) Under Article XI even *non-member* States are invited to sign and accede to the U.N. Convention.

In February 1970 President Nixon publicly urged the U.S. Senate to ratify the Convention. Favorable recommendations emanated from both the U.S. Secretary of State and the Attorney General, pointing out that there were "no constitutional obstacles to U.S. ratification." But the isolationists again mounted their offensive, erringly arguing that ratification is not within the treaty-making powers of the U.S. Constitution. The treaty-making power under Article II, Section II of our Constitution is indeed very broad: "It is not perceived that there is any limit to the questions which can be adjusted on any matter which is properly the subject of negotiations with a foreign country." (*Geofroy* v. *Riggs,* 133 U.S. 258, 267, U.S. Supreme Court, 1890). Anti-social conduct and the denial of human rights have been for a hundred years proper subjects of international negotiations: American treaties prohibit white slave traffic, narcotic drugs, arms shipments, and have suppressed slave trade and slavery (from 1926 to 1967), for example. The United States has signed treaties dealing with every form of anti-social conduct, including even the protection of the lives of seals and migratory birds! How much more is the life of a human being! . . .

The U.N. Convention on Genocide is one of the most important Conventions which this country could ratify, and every American citizen should be concerned that his country is not ostracized from its international responsibilities by misguided views of what is America's self-interest. Again, genocide is not an internal nor a domestic matter but purely and simply an international crime. Ratification of the Convention by the United States Senate must still be followed by implementing federal legislation making the crimes specified punishable under United States law. Thus, the immediate step is for the U.S. Senate to ratify the Convention; to be followed by the enactment of implementing legislation as recommended by the Section of Individual Rights and Responsibilities of the American Bar Association.

REFLECTIONS ON THE SST

Mr. GOLDWATER. Mr. President, recently, I was invited by the New York Times to write an article on the SST with reflections on the recent debate over it. The title of the article might not be liked by some people, but it is as I see it.

I ask unanimous consent that the article, entitled "The Big Lie and the STT," published in the New York Times of December 16, 1970, be printed in the RECORD.

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

THE BIG LIE AND THE SST

(By BARRY M. GOLDWATER)

WASHINGTON.—Not even fourteen years of service in the United States Senate prepared me for the kind of propaganda blitz that was organized against America's participation in the development of a supersonic transport plane.

Never in my experience has the "big lie" technique, popularized by Adolf Hitler's propaganda minister in World War II, been used more effectively to describe a needed program of research and development.

All of a sudden, in the months and weeks prior to the first Senate vote in this year's SST appropriation, this ten-year-old program, begun in the Eisenhower Administration and supported in the Kennedy and Johnson Administrations, became the legislative monster of all time.

Sound arguments for American participation in the development of the SST to hold leadership in the field of civilian aviation were drowned in a wave of scare stories, myths, guesses, speculation, half-truths and downright lies. An unusual combination of leftwing scientists, politicians, economists and conservationists effectively overpowered the voices of reason in the Administration and Congress.

Their efforts produced so much confusion that the casual observer had every reason to believe that a vote in the Senate for continuing a program to build two prototype SST's for research could result in any one of the following conditions:

The possible extinction of all life on earth as a result of SST flights which might weaken the protective ozone blanket of the earth.

The inundation of all life on earth because SST flights might so alter the temperature of the atmosphere that it would melt the polar ice cap.

The complete exhaustion of all fuel supplies on earth in twenty years.

The final and fatal pollution of the earth's atmosphere by poisonous emissions from SST flights in the atmosphere.

The possible death of all fish and birds and other life forms which exist in or over the ocean because of some booms from the SST.

An epidemic of possible skin cancer throughout the earth because of SST exhaust emissions.

These points supply some idea as to the scare techniques dreamed up and widely spread by organizations such as the Friends of the Earth, Environmental Action, the Federation of American Scientists, the Zero Population Growth Club and the Sierra Club.

It was not only amazing but downright frightening to see the number of prominent scientists who were willing to lend their names to far-fetched and hypothetical possibilities that might result from a research and development program by the United States into an SST project which has almost reached the production stage in France, Britain and Russia.

The scare techniques used against the SST are similar to the ones that were used by some of the same people to oppose the A-bomb tests in Bikini in 1946, the development of an H-bomb in 1949 and even to such beneficial humanitarian projects as building a dam across the Colorado River in the Grand Canyon. In each case so-called experts assured us that catastrophe would follow if affirmative action were taken. Some scientists said an underwater A-bomb test would blow a hole in the earth's crust and blow up the globe. The prophets of doom confidently told us that the U.S. did not have the knowhow to produce an H-bomb and that if we tried we might destroy the earth by miscalculation.

That little old dam across the Colorado River was described as a development that would flood the Grand Canyon and make an inland lake out of one of the world's greatest national wonders. But when we got computers to work on the problem, it was discovered there wasn't enough cement in the world to build a dam that would cross the Grand Canyon and not enough river water in the entire country to fill it up.

I cite these fantastic tales because they are similar to the nonsense that is being spread about what a few airplanes might do to the atmosephere if flown at supersonic speeds.

What it boils down to is that the enemies of an American SST are making a scapegoat out of technology in a desperate attempt to channel ever more funds into social welfare programs. The attitude is short-ranged and ill-advised.

WHO MAKES WAR?—ADDRESS BY SENATOR JAVITS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address by the distinguished Senator from New York (Mr. JAVITS), a member of the Committee on Foreign Relations, which he delivered at the Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, N.J., on December 8, 1970.

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

WHO MAKES WAR?

A great Constitutional issue before the nation today concerns the exercise of the nation's war powers. The struggle over the war powers, has been somewhat dormant in the past few months, following the spotlight attention it received at the time of the President's Cambodia "incursion" in May and the historic Senate debate in passing the Cooper-Church amendment. It has been now revived by the latest bombings of North Vietnam, the abortive attempt to rescue prisoners of war by a commando raid, and the President's request for a large military assistance program for Cambodia. The Administration has accompanied its bombing and commando raids on North Vietnam with new assertions about the nature of the President's Commander-in-Chief's powers. In a significant related action, however, the Senate Appropriations Committee last week voted tight new prohibitions on the use of regular Defense Department funds in Cambodia.

In his testimony before the Senate Foreign Relations Committee on December 1, Defense Secretary Laird maintained the position that the President, as Commander-in-Chief, has the right and the duty to stage rescue forays for prisoners of war held in foreign countries with whom we are not at war in a *de jure* sense—and without any advance consultation with the Congress. If, hypothetically, one of these commando rescue teams should itself become trapped, is it the implication of Secretary Laird's testimony that the President has the right to send in even bigger rescue forces, until we reach the stage of an invading expeditionary force?

I have chosen as the title of my remarks this evening the question: "Who Makes War?". That question is pertinent in a double sense, for much of the present Constitutional confusion over the delineation of the respective war powers of the Congress and the President dates back to the action of the Constitutional Convention in changing its original draft, which gave Congress the exclusive power to "make war," to state that Congress has the exclusive power to "declare war." There is no doubt in my mind that the Founding Fathers very clearly intended the phrase "declare war" to mean "authorize war" in 1787—an age of declared wars. The lack of verbal clarity in drafting the final revisions of the Constitution has contributed greatly to the present confusion in this age of undeclared wars.

The main focus of my remarks concerns the legal and constitutional process of how this nation gets into war. The corollary to this—how does the nation get out of war—is an equally pertinent question at this time. On this aspect of the problem, I would like to call your attention to the opinion expressed by the most famous member of the Princeton class of 1771—Mr. James Madison, fourth President of the United States. Madison is widely regarded as the "Father of the Constitution" and any rereading of the record of the Constitutional Convention of 1787 shows how commandingly his ideas dominated that historic session.

Although his motion did not carry, I think it is instructive to note that in the debate on Friday, September 7, 1787, Madison moved to authorize two thirds of the Senate to make treaties of peace without the concurrence of the President.

"The President", he said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

Our experience in Vietnam has shown how much harder it is to get out of that kind of war than it was to get into it. Now, how can effective checks be reestablished with respect to the Presidential initiation of undeclared wars? In this thermonuclear age, it may well be unlikely that we will be faced again with "declared" wars.

The area of contention between the Congress and the President over the war powers is centered on the question of "undeclared" war. Our bitter national experience in Vietnam has brought this issue urgently to center stage. The danger of the war expanding to Cambodia has heightened our anxieties. Congress has learned from experience that it must devise practical new means for exercising, in relation to "limited" and "un-

declared" wars, the war powers reserved to it in Article I, Section 8 of the Constitution. The essential object is for Congress to devise ways to establish its authority at the outset of military hostilities which, in the absence of a declaration of war, heretofore have left Congress behind at the starting gate. Yet, Congress must assert itself in a manner compatible with the President's exercise of his Constitutional responsibilities as Commander-in-Chief. We have learned that the power of the purse, alone, is not an effective instrumentality for asserting Congressional authority in undeclared wars.

Our national experience has demonstrated right from the beginning that there are situations in which military hostilities may have to be initiated in the absence of a Congressional declaration of war—such as the undeclared naval war against France in 1798–1800 and President Jefferson's actions against the Barbary Pirates beginning in 1801. Throughout the 19th and early 20th centuries a body of precedents evolved concerning limited hostilities without a declaration of war. This evolved on an ad hoc basis essentially from a case-by-case exercise by the President of his discretionary executive authority as Commander-in-Chief. While our Presidents have shown great vigor and ingenuity in adapting and expanding the Commander-in-Chief function to deal with undeclared war and limited hostilities, the Congress has done little or nothing to adapt its "declaration of war" power, and its other major Constitutionally-specified war powers to deal with the exigencies of our national history.

It is clear from the debates of the Constitutional Convention of 1787 that a major objective of the Founding Fathers was to devise a system of government which would prevent the Executive authority from initiating, or involving the nation in, war without the approval of the people as represented in the Congress. The power reserved to Congress to declare war was meant to be the power to authorize war. The Constitution—quite explicitly and in some detail—gives the *policy* war powers to the Congress. It gives to the President the command or executive authority as Commander-in-Chief, and the Constitution defines the executive capacity of the President to "take care that the laws be faithfully executed."

While a member of Congress, Abraham Lincoln summed up the situation with characteristic succinctness:

"The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to go frame the Constitution that no one man should hold the power of bringing oppression upon us."

The expectation of the Founding Fathers, on the crucial question of war powers, has not worked out in practice. Congress has under-exercised its powers while the Presidents have developed the Commander-in-Chief function in novel and vastly expanded ways never contemplated in the Constitution. Undoubtedly, there was an historical logic behind this turn of events and even today I know of no Senator who questions the need for vigorous, vigilant and decisive exercise of the Commander-in-Chief function. Our national security requires it.

But the unilateral expansion of Presidential power in war-making has now reached dangerous limits and could undermine the whole system of checks and balances underpinning our constitutional system of government. The point has been reached where any effort simply to check the further expansion of Presidential war power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander-in-Chief are what the President alone defines them to be.

The implication that the Presidency is beyond the power of Congress to check in the exercise of war powers raises a constitutional danger. It could leave the nation solely dependent on the good judgment and benign intent of the incumbent President. While we have had a high standard for eminence in the Presidency throughout our history, experience has shown that our liberties require firmer institutional safeguards if they are to survive.

There has been considerable public note of recent efforts, particularly in the Senate, to reassert the war powers of Congress specified in the Constitution. What has not been noticed is that this reassertion of Congressional authority has been met by a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has stimulated a reaction. The situation is now one of dynamic tension. It is impossible for us to stand still; if we back off we may not be able to preserve even the position we now hold.

Within this very year it has been asserted in the Senate that the President has the power to acquire foreign bases by executive agreement without reference to Congress; that he has the power to deploy the armed forces abroad without reference to the Congress; that he has the duty to take whatever action he deems necessary to protect the armed forces, wherever deployed, without reference to Congress. Moreover, it has been asserted that pertinent information required by the Senate to exercise its constitutional function of advice and consent can be withheld on "security" grounds—indeed, although details may be communicated to foreign governments who are not a party to the negotiations in question.

The situation requires a remedy and I believe there is a simple and effective one within Congress' own reach. What is most needed is new legislation which provides a contemporary delineation of the war powers of Congress and the President and which codifies the rules and procedures to be followed in circumstances where military hostilities are to be initiated in the absence of a Congressional declaration of war.

I have introduced a bill (S. 3964) to accomplish this objective.

It specifies four broad categories, derived from historical experience, wherein the President, as Commander-in-Chief, may initiate military action in the absence of a declaration of war. It requires the President to report fully and immediately to the Congress the circumstances and details of the military action he has initiated. His authority to sustain for a longer period the action initiated by the President.

The four categories in which the President may act are:

First, to repulse a sudden attack against the United States, its territories and possessions;

Second, to repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third, to protect the lives and property, as may be required, of U.S. nationals abroad;

Fourth, to comply with a national commitment affirmatively undertaken by Congress and the President.

Under my bill, even the 30-day period may be shortened by joint resolution of Congress.

The bill also contains provisions assuring action can take place in Congress within 30 days avoiding the danger of overly extended debate or filibuster.

The Senate Foreign Relations Committee is proposing to hold hearings on my bill, and the general subject of the exercise of the nation's war powers, early in the next session of Congress. In this connection, I feel that there is a major role to be played by the great universities. I would like to call upon Princeton, and specifically the Woodrow Wilson School, to make a contribution to the Foreign Relations hearings. I hope other universities will join in also, for this is a question in which universities are uniquely equipped to help out through research and scholarship, and by the direct testimony of academic authorities. I shall be in further contact with Dean Lewis on this matter as soon as the dates of the Foreign Relations Committee hearing have been established.

THE ROLE OF HIGHER EDUCATION

Mr. BROOKE. Mr. President, much has been said about the crisis in higher education. But seldom has it been said so well as in the inaugural address by Dr. Gregory H. Adamian, when he took office as president of Bentley College, in Waltham, Mass.

I was privileged to hear Dr. Adamian last Sunday as he spoke of the unsurpassed role of education in perpetuating our culture and civilization. He combines a deep respect for the past with a clear recognition that the lessons of the past are not sufficient preparation for a new generation of young people. Each generation has a rendezvous with a future which cannot be determined. Higher education cannot prepare youth for every possible contingency; but it can educate them in such a way that change can be incorporated with minimum social and personal disruption. For this reason, Dr. Adamian says that education should be our society's highest priority.

Dr. Adamian recommends not only a fuller commitment of funds to education, but the creation of a separate Department of Education in the Federal Government, as well. I fully endorse the views expressed so ably by Dr. Adamian and ask unanimous consent that the complete text of his remarks be printed in the RECORD.

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

INAUGURAL ADDRESS DR. GREGORY H. ADAMIAN

RENDEVOUS WITH DESTINY

As I stand before you, witnesses to this traditional ceremony of institutions of higher learning and my acceptance of the responsibility, the honor and the challenge of this new and exciting role:

I can remember vividly the poverty of the thirties and wanting things I could not have;

I can remember when success was measured solely by the accumulation of material goods, particularly in a world where material goods were denied to most;

I can remember when it was fashionable to be like everyone else;

I can remember volunteering to serve my country when our nation's existence was threatened in World War II;

I can remember the G.I. bill, that made it possible for me and Senator Brooke, as well as thousands of others, to obtain an education, that otherwise might have been denied us;

And lastly, as past chancellor Samuel Gould of the New York State University system recently said, "I can remember when weathermen were meteorologists".

Yes, ladies and gentlemen, things have

changed. Not necessarily for worse or for better, but for better and for worse.

We don't need change for the sake of change, but *we do* need change for the sake of progress.

Today's climate is certainly different. Technology has advanced a thousand fold. Sophisticated communications, and expanded educational opportunities, have made, almost all peoples, more aware of what was, what is, and what could and should be.

Some changes are the natural consequences of the affluence which resulted from the practices of the preceding generation. New conditions have created new needs. The "impossible dream" of one age has become the ordinary occurrence of the next.

It has been said, that one of our past generations had a rendezvous with destiny. I humbly suggest, that every generation has a rendezvous with destiny, and *this* generation is certainly no exception.

How shall this destiny be guided and directed?

Early in the beginnings of civilization Aristotle said, and I quote: "All who have meditated on the art of governing mankind have been convinced, that the fate of empires depends upon the education of youth."

Over 2300 years later it can be said again, with just as much meaning. The simple truth is that there is *nothing*, to which education is subordinate except more education.

And thus, as we face the future, it is evident that the destiny of the world and mankind lies not, *just* in our youth but in the education of our youth.

We, who are so involved and dedicated to higher education are therefore, in an enviable position. We have an opportunity to contribute to the direction of this destiny. For if the totality of our system of education succeeds, then our society will succeed; if the system fails then our society will fail.

In this context, one of the contemporary issues of the day involves the crisis in higher education.

I must add that a similar crisis exists domestically vis a vis the paradox of inflation, with record unemployment, internationally in Southeast Asia and the Middle East, the world population explosion, the consumption of the earth's resources at a pace never before imagined and the simultaneous pollution of our environment at an even greater pace.

Everywhere we turn, it appears that the term, "The challenge of the 70's" is very apropos. The world, as it has on countless other occasions, faces continuing crises and higher education poses but one of those crises, albeit a very important one, because its solution could assist in the solution of the others.

It seems that this crisis in higher education, like ancient Gaul, is divided into three parts, the first and most important of which is financial.

We have on the one hand, a public demand for universal higher education, an extension of universal elementary and secondary school education and on the other hand the problem of the phenomenal cost of such education, and the practical query—how will we pay for it?

State supported public institutions inevitably and properly have mushroomed in these last ten years, more so in some states, than in others.

This cost is borne by each state's taxpayers through state income, sales and property taxes. Massachusetts, you may be surprised to know, ranks 49th out of 50 states, in terms of state funds used for higher education per capita of population.

Almost 100 independent, private colleges in Massachusetts, including Bentley College, are saving the Commonwealth of Massachusetts and therefore the Massachusetts taxpayers millions of dollars annually by their very existence. These private, independent colleges are supported by tuition, alumni gifts and endowments. But the present inflation is beginning to take its terrible toll.

Continual increases in costs of operations make it difficult for our private, independent institutions to maintain their excellence, consistently and to expand to meet the needs of the future, without increasing tuition beyond the reach of most people.

You have all, no doubt read, in the last few weeks of the plight of the most prestigious of universities—Harvard, with its endowment of over one billion dollars had its first deficit in history, ¾ of a million projected to 1½ million this year. Princeton, Yale, Columbia, and other universities have deficits ranging from 2 to 15 million dollars.

The recently published Carnegie report stated that ⅔ of all colleges and universities are in financial difficulty.

And ironically, twenty-one colleges during the past two years have closed their doors; while an increasing large number of qualified students, deserving of education are unable to afford it. This situation is not only deplorable but grave. What can be done? And by whom?

It's obvious that state supported institutions can not and should not replace independent, private colleges. This would be not only sheer economic folly, but the pluralistic system in higher education provides a desirable balance and diversification that is indispensable for academic excellence.

State grants to existing private, independent colleges and universities, as in New York, or substantial state loan programs for students, as is available in numerous other states are a partial solution. Massachusetts has studied these programs and nauseum without constructive results.

Another partial solution, is an increase in federal grants to public and private institutions, with an unqualified commitment by the federal government, that such expenditures are the equivalent of capital investments, in our most important single national resource. Unfortunately, at this time, the federal government is not so favorably predisposed.

This unqualified commitment can best be psychologically and actually realized, if the present cabinet Department of Health, Education and Welfare (HEW) were divided into two departments, health & welfare as one, education as the other, both on a cabinet level, just as the Department of Commerce and Labor was separated in 1919. The scope and problems of health and welfare are monumental enough without confusing them by the inclusion of education. In fact, justification for their present marriage would be exceedingly difficulty to determine.

If the education of youth is, as has already been said, critically urgent, then it deserves recognition and commitment through the establishment of a separate cabinet level department in the federal government.

Divorced from health and welfare for budgetary as well as other considerations, higher education, which is indispensable to our whole society, can thus be put into its legitimate and proper perspective.

The second part of this crisis in higher education is that much talked-about, perplexing question, of the responsiveness and relevance of the college or university to the actual needs and problems of society, and the even larger question of what the role of an institution of higher learning really is or ought to be.

A college was once recognized as a center of learning, as a storehouse of knowledge, where students sought knowledge and truth. A place where, in our otherwise emotional society, reason, logic and the free exchange of ideas were fostered and nurtured.

In the last few years, it has been suggested, that such centers of learning should be more relevant, and more responsive and that they should participate more actively in the solution of community and societal problems and needs. Unquestionably and rightly so, the implication in this suggestion is that knowledge is not an end itself but rather the means of providing the necessary tools for bettering society and mankind.

These are interesting and provoking views that appear on the surface to initiate a shift away from the traditional thought on the subject.

However, the apparent shift has not really caused controversy. It has merely made obvious what should already have been obvious.

Of course, the subject matter that is taught must be relevant and the relevance must be explained.

Of course, the learning experience is incomplete if taught in a vacuum.

Of course, the content of course offerings must be constantly re-evaluated, in the light of differing attitudes, values, and substantive changes in the various arts and sciences.

Dr. Charles Silberman's recent book entitled, "Crisis in the classroom" is a thought-provoking study and commentary on the problems of curricula relevance and a more meaningful articulation of the relationship between teacher and student.

Anyone intimately involved in education, and intellectually honest with himself can appreciate and understand the continuing need for developing new teaching techniques.

The real controversy involves not the relevance and responsive aspects of institutions of higher learning but an unmistakably clear definition of whether a college should become action oriented rather than learning or research oriented.

Or put in another way; whether the interaction of the college with the community is to make the learning process more relevant or whether it is a means of fulfilling a need in the community, as a surrogate for some organizational structure in the community that failed or is absent.

Should the college get actively involved in solving the housing crisis by, for example, actually constructing low cost housing?

Should the college take a stand as an organizational entity on a domestic or foreign policy of the government? Should Bentley College, for example, institutionally come out in favor of or against the SST?

I think not. But the college or university with its accumulated knowledge and talent should not only be a forum, it should be a catalyst and a partner with other organizations within the society in the never ending quest for solutions to the problems that plague us—motivated always by its principal role of teaching and learning.

Since higher education can be the most powerful instrument our society possesses for effecting social change; academic institutions should continue to seek truth, should retain their traditional role as centers of learning, unlike any other type of organizations in our society, but as centers of learning should be more relevant and more responsive to societal needs.

The third part of the crisis in higher education involves the role of students and faculties in the governance of institutions as well as the right of students to dissent and protest.

Let me briefly state, that most institutions of higher learning have seriously lacked in their communication with faculties as well as with students. I think it can be said categorically that today college administrators have acknowledged the serious deficiencies in this regard and have made concerted, and in many cases, successful efforts to remedy this situation. As Chairman Henry Rauch stated, Bentley College too, has begun to move in this direction.

The college or university today, is looked upon more as a community, more democratized in its operations, more cognizant of the contributions and responsibilities of all its segments and more sensitized to the de-

sirability of team effort and cooperation as a basic ingredient for success.

This is not to suggest that the decision-making body is now composed of administrators, faculty and students as a ruling triumvirate but rather that student concern and faculty opinion are important enough to be heard, to be discussed and to be understood, before administrative decisions are made.

As to the dissent and protest, we all recognize the right of legitimate dissent and peaceful protest on campuses, as elsewhere. The democratic process, to be successful, requires active and informed participants.

Without an interchange and divergence of views the human mind would soon stagnate. Understanding is increased by dialogue. Life and knowledge today are so complex that only by unrestrained discussion can we ascertain our errors and prejudices.

But dissent and protest that violates another's legitimate rights can not be countenanced. No society and no person is so completely free as to be above and beyond some sort of discipline.

And of course, resort to intimidation and physical violence is inimical and opposed to the pursuit of knowledge and truth which forms the very basis for the existence of any institution of higher learning, not to mention its incompatibility in a democratic society.

What has Bentley College done—what can Bentley College do to help alleviate the impact of this 3 fold crisis?

Cognizant of the money pinch, we have instituted economies to cut non-academic operating expenses and thereby operate more efficiently.

We are planning greater utilization of our physical plant and facilities including a more comprehensive summer program and expanded continuing education offerings.

We have inaugurated an inter-institutional cooperative program, a consortium with Regis College and with Cardinal Cushing College whereby each college's institutional resources can be conserved and available resources utilized more effectively, in order to avoid unnecessary duplication.

In keeping with the general need and desire to inter-act with the community, as an educational force, we have instituted a federal tax forum and an institute for consumer education whereby the knowledge, skill and facilities of our college community can be utilized in two, fast growing areas of community concern, taxation and consumer oriented legislation.

I would like to report that last Friday Bentley College met the Hayden Foundation challenge of August 1969 by raising $300,000 to thereby receive an unrestricted grant of $100,000. The board of trustees voted unanimously to apply this $100,000 toward the construction of a much needed physical education center.

There have been many significant milestones in Bentley College History.

In 1917 when Harry C. Bentley founded the Bentley School

In 1948 when the school became a non-profit organization

In 1961 when the Bentley School became a college with the right to grant degrees, a bachelor of science in accounting and an associate in science of accounting.

In 1968 when Bentley College moved onto this beautiful new campus

In 1970, on September 16 when Bentley College petitioned the State Board of Higher Education for the right to grant Baccalaureate degrees in other business disciplines and in the liberal arts in addition to accounting

A recent commission report by M.I.T. recommended a greater emphasis on humane learning and a greater concern with the responsible social use of sciences and technology. Bentley College, many years ago, anticipated and recognized the role in our society of the quote "liberally educated specialist" acknowledging, that the professionally trained accountant can better serve his profession as well as society with a proper balance and background of liberal arts. To quote a public relations piece we have utilized in our institutional promotions; "after we teach you everything about money, we teach you that money isn't everything."

Oliver Wendell Holmes once said "the mode through which the inevitable comes to pass is effort."

For 53 years Bentley College has been in the forefront as an acknowledged leader in the education and training of accountants.

By petitioning to expand our degree granting authority, Bentley College seeks the right to grant degrees in areas in addition to accounting where we have already demonstrated proficiency and experience. To thus broaden our horizon academically by retaining and improving our preeminence as a leader in the field of accounting, while at the same time offering degrees in other areas where we have proven competence, with our talented and dedicated faculty of over one hundred.

On behalf of the administration of Bentley College and myself I pledge and *commit* Bentley College to continue to carry on its traditions, by expanding its curricula and its faculty to meet the complexities and the demands of present day society;

I pledge and *commit* Bentley College to provide business with graduates capable of achieving the goals of modern corporate, private, and public administration; and to provide *society* with informed, humane citizens aware of their rights and cognizant of their responsibilities;

And in conclusion I pledge and *commit* Bentley College to the continuing pursuit of academic excellence with relevance. Thank you.

THE QUALITY OF OUR ENVIRONMENT

Mr. GOLDWATER. Mr. President, much has been said in the Chambers in recent days about the quality of our environment. A lot of it true, and a lot of it not quite so true. In order that all of us might have a better understanding of what this serious problem really amounts to, I have turned to Mr. W. T. Pecora, Director of the U.S. Geological Survey, for two of his writings on the subject.

One was a commencement address entitled "Science and the Quality of Our Environment," made to George Washington University on June 7, 1970. The other entitled "Resources and Environment—Quest for Balance," appeared in Mining Congress Journal of August 1970.

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

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

SCIENCE AND THE QUALITY OF OUR ENVIRONMENT

(By W. T. Pecora)

I want to talk to you about a new ethic that is developing in American science. I hope it is not a fad and will persist in future years. Scientists who years ago merely looked out of the windows of their ivory towers are now walking down the steps to join the world around them.

Primitive man took what he could from nature to stay alive, and he stood in awe at natural phenomena he could not understand. From this precarious beginning evolved a complex society which still takes from nature to fulfill its needs. In some quarters, man is now indicted for all his environmental ills; and yet in others, it is held that nature must be shaped as man requires it.

The ability to maintain an acceptable environment, however, can be hindered by failure to recognize fundamental earth processes. Environmental degradation is a natural procedure on earth; but man is beginning to contribute to that degradtaion in large measures in certain areas. Not all modification of our environment is degrading. Some alteration is acceptable. Hazardous changes must certainly be avoided. It is inexcusable that we should fail to predict responses of nature consequent to our own actions. Man has begun to develop an awareness that better housekeeping of the earth must be practiced as he continues to take from the earth the things he needs and uses.

MAN IS EARTH BOUND

For some 5 billion years the planet Earth has revolved about the sun; and there is good reason to believe its journey will extend beyond another 5 billion years. Throughout this period the earth has undergone constant change—mountains have risen where oceans formerly existed; animal and plant species have flourished and become extinct; earthquakes and volcanoes have always been with us; rivers and plains have appeared and reappeared; and glaciers have covered large segments of the planet many times. Although on Earth but a few million years at the most, man has in the past 200 years unraveled a great deal of earth history and learned how to use the planet to meet his growing needs for survival.

As earthbound residents, we look constantly, nevertheless, to other planets. The moon, satellite of the earth, has already been visited and found to be totally hostile to man. The surface of Venus is too hot for us, and Mars offers little, if any hope. The other planets are out of the question. Man, indeed, is earthbound and we must learn to accept this inescapable circumstance however great our expectations.

WHAT IS THE MEASURE OF PROGRESS?

Man has achieved phenomenal advance over 10,000 years in the face of a world population increase from a few million then to 3½ billion today. The complex development of society over this period was accomplished because man has an intellect that could innovate, plan, acquire information, store it, pass it along to succeeding generations, and increase the level of his systemic intellect through research and development.

Man now truly inhabits the entire planet. He has crossed mountains and oceans, explored the poles, and burrowed deeply underground. The primitive observer of nature has developed into the creative scientists of modern society. Those quinqueremes of Ninevah have developed into sleek jet aircraft; simple mathematical devices that were developed separately in different civilizations have grown into complex modern computer systems; signal drums have blossomed into telecommunications systems that link hemispheres. Real time for man now has real meaning. Status quo may have meaning for other species on earth; but for man there is no status quo because of his intellectual capability.

RESOURCE NEEDS OF THE UNITED STATES

Let's take a look at the mineral resource needs of the society that makes up the United States of America. Within the life span of 200 million people now living in the United States, this nation will consume from the earth: 6½ quadrillion gallons of water, 7½ billion tons of iron ore, 1½ billion tons of aluminum ore, 1 billion tons of phosphate rock, 100 million tons of copper, and so forth. . . .

In 40 years, our population will double. Just think of the added requirements of the next generation!

Water usage will triple by the year 2,000

Energy requirements will triple by the year 2,000

By the year 2,000 we will have to construct as many houses and other facilities as now exist in the United States.

This staggering amount of natural mineral resources upon which the sustenance of the Nation depends imposes a tremendous task of new discovery, and new development. How can we do this without changing the character of our environment; for society must also provide against excessive noise, excessive pollution, and excessive degradation of the landscape, water-scape, and sea-scape.

If this be the situation for the United States, certainly resource needs for the rest of the world command even greater attention. Developing nations seek fulfillment in health and economic betterment. The crust of the earth which provides these resources is worldwide and knowledge about it gained in one country can be used to good advantage by scientists and engineers in others. Does the crust of the earth have the potential to provide for man's needs? The problem for mankind is universal—planetary—not national. Wars must cease and man's society must one day be planetized if the species, Homo sapiens, shall persist on this earth.

If we must therefore take from the earth to provide for ourselves we must employ value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave it in the taking and using. Take and use we must or we cannot survive as a species on earth.

THE NEED FOR INVENTORY

If the earth shall provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth, inquiry into geologic processes that have operated over the span of earth history—and operate today—continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems. Research is a costly investment; but it pays off handsomely in long term benefits. Too often a society thinks only of "now." The cumulative benefit of early research endeavors, on hindsight, is a superb demonstration that today's long term is tomorrow's short term. Time, for man, is a long continuum.

The best example of this is the research mapping systems that have been developed in the past. These include base topographic maps, geologic maps, hydrologic maps, geophysical maps, geochemical maps, and thematic, environmental, special subject maps. All of these are the products of intensive research effort. I am concerned that the pace of doing this kind of work has slowed down in recent years and I predict that our society will suffer for it because decisions will be made without background information. Our program priorities will have to be reordered because of increasing needs and resource conflicts of a World society that has a divine right under God to utilize our planet's total natural resources and to better the lot of man on earth.

PRIMARY NATIONAL GOALS

The United States, from its very inception, has been accused of placing too much emphasis upon the accumulation of wealth and too much effort in raising, through industry, its so-called standard of living. This view was first stated unequivocally in 1831 by Alexis de Tocqueville, a French Nobleman who visited this country when it had 24 states and 13 million people. Similar views are being stated today, as we have grown to 50 states and 200 million people. The American democracy and its free enterprise system is a great and successful experiment, the first of its kind in the history of civilization. I, personally, see nothing wrong with dedication of individuals, or groups, toward amassment of wealth through honest industry. But in the process of achieving these goals our mature society unwittingly, or knowingly has permitted deterioration of other values, not measurable in dollars or numbers, and which affect the quality of individual life in many ways. Has the growth of science and technology in discovery and utilization of our basic resources failed in some ways and in many places to retain or fortify man's natural environment, or was the failure a result of inadequate planning—or perhaps too much of economics?

SOME MYTHS ABOUT OUR ENVIRONMENT

It is believed by many people in this country that it is man who is degrading and polluting his environment because of our modern industrial society. Some myths, however, need to be destroyed. Let me cite a few to demonstrate that natural processes are by far the principal agents in modifying our environment. This is not to excuse or put aside what man does, but rather to put man's actions in proper natural perspective. Those individuals who speak about restoring our inherited environment of pure air, pure rain, pure rivers, pure lakes, and pure coastlines never had a course in geology.

It has been calculated that more than 100 million tons of fixed nitrogen in the form of ammonia and nitrates is annually transferred from the atmosphere to the surface of the earth as part of a natural precipitation process. In the United States alone there falls upon the face of our land annually more than 4 million tons of table salt, 2½ million tons of sodium sulphate, and 36 million tons of calcium compounds—all in rain water.

Particulate matter and natural gases dispersed from the volcanoes is a continuing phenomenon. From three eruptions alone, the Krakatau eruption in Java (1883), the Mount Katmai eruption in Alaska (1912), and the Hekla eruption in Iceland (1947) more particulate matter in the form of dust and ash and more combined gases were ejected into the atmosphere than from all of mankind's activity. Add to known volcanic activity the normal action of winds, forest fires, and evaporation from the sea, and we can readily conclude that man is an insignificant agent in the total picture, although he is becoming an important agent in extremely local context.

We have long been led to believe that water issuing from natural springs is pure and beneficial to health because of its purity. The springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. In the Lower Colorado River salt springs carry 1,500 tons of salt per day. The Lemonade Springs in New Mexico carry 900 pounds of sulphuric acid per million pounds of water (900 ppm) which is ten times the acid concentration of most acid mine streams in the country. Hot Springs in Yellowstone Park is likewise many times more acidic than the typical acid stream in a coal mining district. The Azure Yampah spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit.

The lakes and ponds throughout geologic history have gone through a life cycle of birth, maturity, old age, and disappearance. No lake is truly permanent. The Great Salt Lake is nearing its dying stages. Once 20,000 sq. mi. in area, (Lake Bonneville), it is now only 950 sq. mi. in area. Many thousands of years ago it was essentially a fresh water like, fed during the pluvial period of the Great Ice Age, and now it is about ten times as salty as sea water.

We frequently hear that Lake Erie is dead. This is pure rubbish. Lake Erie is the shallowest of the Great Lakes, was created 10,000 to 20,000 years ago and, barring another Ice Age, has several thousands of years yet to go before senility. The western part of the lake is an extremely shallow shelf and receives a large amount of natural organic material transported from the surrounding terrain. Here is where the algae growth has always been present. Lake Erie, according to J. E. Kinney, has continually produced about 50% of the fish catch of the entire Great Lakes system, consistently over the past 100 years. This is not a mark of a dead lake. Green Bay, of Lake Michigan, so named by the first settlers because of the green color of the algae so prevalent in the Bay is, like the western shallow part of Lake Erie, the source of a great amount of organic matter—and fish! The food supply for aquatic life is high in these environments. The oxygen supply, unfortunately, diminishes as algae growth increases, as this portion of the lake becomes more and more shallow and as organic material is swept into the water, whether from natural or human sources. Every lake or pond, whether natural or man-made, faces a similar life history. Shallow estuaries—likewise. This is the natural law.

The rivers of our nation are being called dirty because of the works of man. We must understand that rivers are the natural transport systems for sediment and humus (organic matter) washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf a load of more than 2 million tons of sediment per day. This is equivalent to a daily load of 40,000 freight cars. The Paria River in Arizona is probably the dirtiest river in the world. It carries 500 times as much sediment as the Mississippi River per unit volume of water. This is a continuing condition year after year. Chemicals are also transported by streams in phenomenal amounts. The Brazos River of Texas, for example, transports 25,000 tons of dissolved salt per day. Peace Creek in Florida carriers twice the concentration of fluoride that is harmful to teeth. Many rivers and streams throughout the nation have natural qualities that do not meet the public health standards for drinking water.

The ocean has been the natural waste sink for the large-scale, natural pollution process of the earth. The character of the ocean itself has changed slowly throughout geologic time, while it has continually supported abundant life of all varieties.

MAN AS A GEOLOGIC AGENT

It must be quite evident that, although natural earth processes dwarf the actions of man in a total context, man can become a major geologic agent in a specific or local context. This inter reaction of man with nature is without question a most important issue of future years. In a society that has reached maturity in the industrial sense, the issue of environmental alteration becomes more and more acute. It is within this framework that certain actions 100 or 200 years ago are now considered sinful. What are some solutions to our dilemma?

The philosophy of engineering project cost is being modified to allow for certain actions which in the past were not factored into our cost analyses. A mineral resource, for example, should not be developed unless it is rich enough to support proper restoration or reutilization of the land. A major pipeline traversing Alaska some 800 miles should not be constructed without added safeguards to protect the natural environment. Offshore drilling for petroleum should not be endorsed without the added cost of providing maximum safeguards against pollution. Cities and industries should not use the water available from natural sources without factoring in the cost of returning the water to a usable state. The smokestacks of our refineries and energy plants must not use materials that put unwanted matter into our air. The science and technology which has made possible the great advance of mankind can

surely pay attention to these matters and resolve them.

Who will bear the cost, however? Who will make the policy decisions? We know that government agencies have been urged by the people to regulate these matters, but who will pay the cost, I ask, for what I am convinced science and technology can do to ameliorate the situation. It must be the people. Whether through their tax participation or whether it be in the higher cost of a product, the people must pay the cost both in dollars and in acceptable landscape changes for taking from the environment what mankind needs. We who represent science and technology should be able to show how resources can be utilized with minimal alteration or degradation of the environment. We can do this, however, only by making a complete inventory of cause and effect—in other words—spelling out our costs and trade offs in more than just dollars.

A LOOK TO THE FUTURE

We find ourselves in the midst of a conflict between the need to develop the earth's resources and the desire to preserve the earth's environment—both, presumably, for the salvation of mankind. Industrial development has become synonymous with Wall Street; and American industry, envied around the world, is in trouble within its own country because of past abuses to the environment in the name of lowest cost. Profit has become an ugly word and the concept of science and engineering, once honored as a service to mankind, is now being ridiculed in many places.

Must one choose between the two concepts or can one seek balance as we move into the future? The first judgment must distinguish between danger and aesthetics; because change is inevitable in any developing society. The pace of change is a function of the choice of people, as it should be, if the people will speak out. Let us think about the words of Lowell in his tribute to Cromwell:

"New times demand new measures and new men;
The World advances, and in time outgrows
The laws that in our father's day were best;
And doubtless, after us some better scheme
Will be shaped out by wiser men than we,
Made wiser by the steady growth of truth."

[From the Mining Congress Journal, August 1970]

RESOURCES AND ENVIRONMENT—QUEST FOR BALANCE

(By W. T. Pecora)

Ancient man lived in harmony with nature. His existence was precarious but he accepted the good and the bad as qualities beyond his control and he stood in awe at natural phenomena he could not understand. From this humble beginning evolved our present society which now indicts man for all environmental ills and assumes that nature can be shaped to meet his every need. The ability to maintain an acceptable environment can be hindered by failure to reconize basic earth processes and quality patterns beyond our control. With the intellectual development now achieved by man, it is inexcusable that we should fail to predict responses of nature consequent to our own development. Environmental degradation is a natural process on earth. Man, however, is beginning to contribute to that degradation in large measure in certain areas. Man has begun to develop an awareness that better housekeeping of the earth must be practiced as he continues to take from the earth the things he needs and uses.

PLANET EARTH IS MAN'S ABODE

For some 5 billion years the planet Earth has revolved about the sun; and there is good reason to believe its journey will extend beyond another 5 billion years. Throughout this period the earth has undergone constant change—mountains have risen where oceans formerly existed; animal and plant species have flourished and become extinct; earthquakes and volcanoes have always been with us; rivers and plains have appeared and reappeared; and glaciers have covered large segments of the planet many times. Although on Earth but a few million years at the most, man has in the past 200 years unraveled a great deal of earth history and learned how to use the planet to meet his growing needs for survival.

As earthbound residents, we look constantly, nevertheless, to other planets. One, the Moon, satellite of the earth, has already been visited and found to be totally hostile to man. The surface of Venus is too hot for us, and Mars offers little, if any hope. The other planets are simply out of the question. Man, indeed, is earthbound and we must learn to accept this inescapable circumstance.

Of the billions of galaxies that exist in the universe, perhaps there is at least one other solar system like ours with a planet in the same solar position. Wherever that may be, it is beyond our reach, however great our expectation. We must learn to live on this planet throughout our full existence as one species.

CIVILIZATION ALWAYS MOVES FORWARD

Man has achieved phenomenal advance over 10,000 years in the face of a world population increase from a few million then to 3½ billion today. The complex development of society over this period was accomplished because man has an intellect that could innovate, plan, acquire information, store it, pass it along to succeeding generations, and increase the level of its systemic intellect through research and development. What has often been called intellectual curiosity, as directed toward our total environment, is really a necessity by society if it is to avert disaster.

Man now truly inhabits the entire planet. He has crossed mountains and oceans, explored the poles, and burrowed deeply underground. The simple but astute primitive observer of nature and natural processes has developed into the creative scientist who serves man's mind in seeking to feed the technologic engines of modern society. Those unique quinqueremes of ancient times have developed into jet aircraft; simple mathematical devices that were developed separately in different civilizations have grown into complex modern computer systems; signal drums have blossomed into telecommunications systems that link hemispheres. Real time for man now has real meaning, and you are part of all of this. You cannot ignore nor escape your role. Your generation will do deeds only dreamed of by mine, just as my generation made a giant step from my father's. The status quo may have meaning for other species on earth; but for man there is no status quo because of his intellectual capability.

PROJECTED RESOURCE NEEDS OF THE UNITED STATES

Let's take a look at the resource needs of the society that makes up the United States of America. We are at the apex of civilization, and yet within the lifespan of 200 million people now living in the United States, this nation will consume from the earth: 6½ quadrillion gallons of water, 7½ billion tons of iron ore, 1½ billion tons of aluminum ore, 1 billion tons of phosphate rock, 100 million tons of copper, and so forth . . .

In 40 years, our population will double. Just think of the added requirements of the next generation!

Water usage will triple by the year 2000.

Energy requirements will triple by the year 2000.

By the year 2000 we will have to construct as many houses and other facilities as now exist in the United States.

This staggering amount of natural mineral resources upon which the sustenance of the Nation depends imposes a tremendous task of new discovery, and new development. How can we do this without changing the character of our environment; for society must also provide against excessive noise, excessive pollution, excessive degradation of the landscape, water-scape, and sea-scape. We do want the best of all worlds!

If this be the situation for the United States, certainly resource needs for the rest of the world command even greater attention. Developing nations seek fulfillment in health and economic betterment. The crust of the earth is worldwide and knowledge gained in one country can be used to good advantage by scientists and engineers in others. The crust of the earth has full potential to provide for man's needs if we have the motivation to procure and develop. The problem for mankind is universal—planetary—not national. Certainly international competition cannot go on forever; wars must cease and man's society must be planetized if the species, Homo sapiens, shall persist on this earth.

If we must therefore take from the earth to provide for ourselves we must employ value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave it in the taking and using. Take and use we must or we cannot survive as a species on earth.

THE NEED FOR RESEARCH

If the earth shall provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth, inquiry into geologic processes that have operated over the span of earth history, and operate today, continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems. Research and technologic development are costly investments; but they pay off handsomely in long term benefits. Too often a society thinks only of "now." The cumulative benefits of early endeavors, on hindsight, are superb demonstration that today's long term is tomorrow's short term. Time, for man, is a long continuum.

The best example of this is the basic mapping systems that have been developed in the past. These include base topographic maps, geologic maps, hydrologic maps, geophysical maps, geochemical maps, and thematic, environmental, special subject maps. All of these are the products of intensive research effort. I am concerned that the pace of doing this kind of work has slowed down in recent years and I predict that our society will suffer for it. Our priorities will have to be reordered because of increasing needs of a World society that has a divine right under God to utilize our planet's total resources and to better the lot of man on earth.

PRIMARY NATIONAL RESOURCES GOALS

The United States, from its very inception, has been accused of placing too much emphasis upon the accumulation of wealth and too much effort in raising, through industry, its so-called standard of living. This view was first stated unequivocally in 1831 by Alexis de Tocqueville, a French nobleman who visited this country when it had 24 states and 13 million people. Similar views are being stated today, as we have grown to 50 states and 200 million people. The American democracy and its free enterprise system is a great and successful experiment, the first of its kind in the history of civilization. I, personally, see nothing wrong with dedication of individuals, or groups, to-

ward amassment of wealth through honest industry.

But in the process of achieving these goals our society unwittingly, or knowingly, has permitted deterioration of other values, not measurable in dollars or numbers, and which affect the quality of individual life in many ways. The growth of science and technology in discovery and utilization of our basic resources has failed in some ways and in many places to retain or fortify man's natural environment.

SOME MYTHS OF OUR ENVIRONMENT

It is believed by many people that man alone is degrading and polluting his environment because of our modern industrial society. Some myths, however, need to be destroyed. Let me cite a few natural earth processes to demonstrate that natural processes are by far the principal agents in modifying our environment. This is not to excuse or put aside what man does, but rather to put man's actions in proper natural perspective. Those individuals who speak about restoring our inherited environment of pure air, pure rain, pure water, pure lakes, and pure coastlines ignore the inevitability of nature.

It has been calculated that more than 100 million tons of fixed nitrogen in the form of ammonia and nitrates is annually transferred from the atmosphere to the surface of the earth as part of a natural precipitation process. In the United States alone there falls upon the face of our land annually more than 4 million tons of table salt, 2½ million tons of sodium sulphate, and 36 million tons of calcium compounds—all in rain water.

Particulate matter and natural gases dispersed from the volcanoes is a continuing phenomenon. From three eruptions alone, the Krakatau eruption in Java (1883), the Mount Katmai eruption in Alaska (1912), and the Hekla eruption in Iceland (1947) more particulate matter in the form of dust and ash and more combined gases were ejected into the atmosphere than from all of mankind's activity. Add to current volcanic processes the normal action of winds, forest fires, and evaporation from the sea, and we can readily conclude that man is an insignificant agent in the total picture, although he is becoming an important agent in extremely local context.

We have long been led to believe that water issuing from natural springs is pure and beneficial to health because of its purity. The springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. In the Lower Colorado River salt springs carry 1,500 tons of salt per day. The Lemonade Springs in New Mexico carry 900 pounds of sulphuric acid per million pounds of water, which is ten times the acid concentration of most acid mine streams in the country. Hot Springs in Yellowstone Park is likewise many times more acidic than the typical acid stream in a coal mining district. The Azure Yampah spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit. These are but a few examples of the kind of pollution that goes on continually from natural springs.

The lakes and ponds throughout geologic history have gone through a life cycle of birth, maturity, old age, and disappearance. No lake is truly permanent. Some of our inland lakes during their mature stage become more salty than the ocean itself. The Great Salt Lake is nearing its dying stages. Once 20,000 sq. mi. in area (Lake Bonneville), it is now only 950 sq. mi. in area. Many thousands of years ago it was essentially a fresh water lake, fed during the pluvial period of the Great Ice Age, and now it is about ten times as salty as sea water.

We frequently hear that Lake Erie is dead. This is pure rubbish. Lake Erie is the shallowest of the Great Lakes, was created about 20,000 years ago and, barring another Ice Age, has several thousands of years yet to go before senility. The western part of the lake is extremely shallow and receives a large amount of natural organic material transported from the surrounding terrain. Here is where the algae growth has always been present. Lake Erie has continually produced about 50% of the fish catch of the entire Great Lakes system, consistenly over the past 100 years. This is not a mark of a dead lake. Green Bay, of Lake Michigan, so named by the first settlers because of the green color of the algae so prevalent in the Bay is, like the western shallow part of Lake Erie, the source of a great amount of organic matter. The food supply for aquatic life is high in these environments. The oxygen supply, unfortunately, diminishes as algae growth increases, as this portion of the lake becomes more and more shallow and as organic material is swept into the water, whether from natural or human sources. Every lake or pond whether natural or man-made, faces a similar life history. Man can certainly better or worsen a natural situation like this.

The rivers of our nation are being called dirty because of the works of man. We must understand that the river systems of the land are the natural transport systems for sediment washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf a load of more than 2 million tons of sediment per day. This is equivalent to the load of 40,000 freight cars. The Colorado River carries into Lake Mead about 40,000 tons per day. The Paria River in Arizona is probably the dirtiest river in the world. It carries 500 times as much sediment as the Mississippi River per unit volume of water. This is a continuing condition year after year. Chemicals are also transported by streams in phenomenal amounts. The Brazos River of Texas, for example, transports 25,000 tons of dissolved salt per day. Peace Creek in Florida carries twice the concentration of fluoride that is harmful to teeth. Many rivers and streams throughout the nation have natural qualities that do not meet the public health standards for drinking water.

The ocean has been the natural waste sink for the large-scale, natural pollution process of the earth. The character of the ocean itself has changed slowly throughout geologic time, while it has continually supported abundant life of all varieties.

MAN AS A GEOLOGIC AGENT

It must be quite evident that, although natural earth processes dwarf the actions of man in a total context, man can become a major geologic agent in a specific or local context. This inter reaction of man with nature is without question a most important issue of future years. In a society that has reached maturity in the industrial sense, the issue of environmental alteration becomes more and more acute. It is within this framework that certain actions 100 or 200 years ago are now considered sinful.

The philosophy of engineering project costs is being modified to allow for certain actions which in the past were not factored into our cost analyses. A mineral resource, for example, should not be developed unless it is rich enough to support proper restoration or reutilization of the land. A major pipeline traversing Alaska some 800 miles should not be constructed without added safeguards to protect the natural environment. Offshore drilling for petroleum should not be endorsed without the added cost of providing maximum safeguards against pollution. Cities and industries should not use the water available from natural sources without factoring in the cost of returning the water to a usable state. The smokestacks of our refineries and energy plants must not treat materials that put unwanted matter ino our air. Reservoirs are constructed and rivers are diverted. These problems and others like them are familiar to all of you. The science and technology which has made possible the great advance of mankind can surely pay attention to these matters and resolve them.

Who will bear the cost, however? Who will make the policy decisions? We know that government agencies have been urged by the people to regulate these matters, but who will pay the cost, I ask, for what I am convinced science and technology can do to ameliorate the situation. It must be the people. Whether through their tax participation or whether it be in the higher cost of a product, the people must pay the cost both in dollars and in landscape changes for taking from the environment what mankind needs. We who represent science and technology can show how resources can be utilized with minimal alteration or degradation of the environment. We can do this, however, only by making a complete inventory of cause and effect—in other words—spelling out our costs and trade-offs in more than just dollars. President Nixon and Secretary Hickel have spoken on this on many occasions.

A GREATER ROLE FOR ENGINEERING

Throughout history engineering accomplishment has been a magnificent measure of human achievement, particularly where new challenges were posed. Daring projects, planned on basic natural laws, carefully monitored in the design and construction stages, became on hindsight well-conceived operations. For those times the ancient irrigation system of Mesopotamia, the Roman aqueduct, the pyramids were utterly fantastic operations. The hot water supply at Bath, England still functions perfectly almost 2,000 years after its construction. Today the Hoover Dam, the Open Pit at Bingham, Utah, the Golden Gate Bridge or the Hudson River Tunnel mark great ventures of our own era.

Although the engineering profession today is recognized as one which gets things done, it is also recognized as one that is essentially pragmatic in acquiring maximum integrity of structure and function at minimum cost. A new ethic for engineering is evolving. More and more concern is being directed to areas of social impact arising from waste products disposal and environmental degradation.

In the 1969 Christmas Pageant of Peace in Washington, D.C. pine trees marked a path for the States of the Union—each tree for a state. These trees had been supplied by a private company in the Midwest and grown on restored lands where ugly coal strip mines had disrupted the landscape. The mining venture here was but an incident in a time plan. How proud I was to see this; but so few people know of it and other cases like it. So many are angry over chemical wastes dumped into lakes and rivers and gaseous products from smelters and coal-burning smoke stacks emitted to the air. And their numbers are increasing!

The value of the extractive mineral resources in the United States is currently in the order of $30 billion annually. This includes both the energy and hard mineral resources. The impact of that part of the engineering profession responsible for this mineral production, and its subsequent use in the economy, is profound on the maintenance of our way of life. American industry is in trouble, however, because of past abuses to the environment which admittedly have been magnified or distorted by some critics. Profit has become an ugly word and the concept of service to mankind derived from engineering practice is being ridiculed in many places. We are in the midst of a conflict between the need to develop our resources and the need to preserve our environment—both for the benefit of mankind. In your chosen profession of engineering you will be very much involved—you will be

subject to pressures from both sides and you must be responsive. Do not be silent under attack.

You young graduates will one day be leaders in your profession. The principal obligation of leadership is to be alert to the issues, to make tough value judgments, to be forthright in your expression to management and to the community, to seek facts but, in the absence of total facts, to have the courage to make gut decisions with a constant edge toward people and people's problems. This is your guest—a guest for balance.

You may have read the words expressed by H. L. Kenleyside of Canada before a United Nations Scientific Conference. They came from a poem of James Russell Lowell in his tribute to Cromwell. More than anything else they represent the philosophic view I am presenting to you today. Let me give those words to you now.

"New times demand new measures and new men;
The World advances, and in time outgrows
The laws that in our father's day were best;
And doubtless, after us some better scheme
Will be shaped out by wiser men than we,
Made wiser by the steady growth of truth."

God be with you in your life's endeavor. Never, Never, shade the Truth, Thank you!

THE SOCIAL SECURITY ACT—DEFINITION OF "DISABILITY"

Mr. METCALF. Mr. President, when the social security act—H.R. 17550—is before the Senate for consideration, it is my intention to offer an amendment on the definition of the term "disability" as used in the act.

The amendment will be along the lines of S. 1132 introduced on February 25, 1969. I ask unanimous consent that the text of that bill and the names of the cosponsors be printed at this point in the RECORD.

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

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

SEC. 2. The amendments made by this Act shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(a) in or after the month in which this Act is enacted, or

(b) before the month in which this Act is enacted if the applicant has not died before such month and if—

(1) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(2) the notice referred to in paragraph (1) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

Mr. METCALF. Mr. President, in the interest of saving time on the occasion of the consideration of this amendment I also ask unanimous consent that the remarks made when I introduced S. 1132 also be printed in the RECORD.

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

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT, RELATING TO THE DEFINITION OF THE TERM "DISABILITY"

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill amending the Social Security Act of 1967.

Mr. President, prior to the 1967 amendments to the Social Security Act disability—except for certain cases of blindness—was defined as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which could be expected to result in death or which had lasted or could be expected to last for a continuous period of not less than 12 months.

On August 18, the House referred to the Committee on Finance H.R. 12080, the Social Security Amendments of 1967. Section 156 of that bill redefined the definition of disability contained in section 223 of the Social Security Act so that in applying the basic definition—except for the special definition for the blind, and except for purposes of widow's or widower's insurance benefits on the basis of disability—an individual could be determined to be under a disability only if his impairment or impairments were so severe that he is not only unable to do his previous work but could not, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the general area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work.

On November 17, I offered an amendment to the Social Security Amendments of 1967. It was simply a request to return to existing law and remove the restrictive definition of disability contained in the House passed bill. I offered that amendment after having listened to an impresive list of witnesses who appeared before the Finance Committee and testified in opposition to the definition sent over to us by the House. Once again I ask unanimous consent that the pertinent excerpts from the evidence submitted to the Finance Committee be printed in the RECORD at this point.

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

DEFINITION OF DISABILITY

(AFL–CIO, statement of George Meany, hearing, p. 1434–35)

The House included a more restrictive definition of disability than now in the law by providing that a disabled worker is not eligible for disability benefits if he can engage in any kind of substantial gainful work which exists anywhere in the national economy.

The large majority of the seriously disabled are over 50. We all know that once an older, disabled person loses his job, his chances of obtaining a similar position are about zero. It is unrealistic and unfair to say to this severely disabled worker that he is not disabled because there may be employment someplace in the national economy which he might be able to handle even though he has no way of reaching that place and it is very unlikely he would be hired if he did apply. A major complaint of disabled workers has been the stringent administration of the disability provisions. Greater liberalization, not restriction, is needed.

The problems of disability, age and unemployment are all interrelated and what is needed is a comprehensive and broad program to deal with them as a group. Many people suffer chronic ill health during their later working life. Unless they are so totally disabled that they can meet the stringent definition of disability in the Social Security Act, they are in an economic no-man's-land. They are unable to work but are not yet eligible for their regular retirement benefits.

There are a number of changes that could be made in the Social Security Act that would help alleviate this problem.

First, we feel there should be an occupational definition of disability that would permit older workers after age 50 or 55 to receive disability benefits if their disability prevents them from doing their usual occupation.

Second, an increase in the number of dropout years in the benefit formula would also help. At the present time the social security law permits the dropping out of 5 years of low or no earnings in computing a worker's benefit which does provide some limited protection against unemployment, illness and low earnings. Because of the law wage bases in the earlier years of the system, which must be used in computing the average wage on which benefits are based, the typical worker receives a low percentage of his wages earned shortly before retirement. The problem is compounded for older workers who are laid off by plant closings, technological changes, ill health, etc. who must include these years of low or zero earnings in determining their average wage. Additional dropout years would be of great help to them.

Third, the AFL–CIO also advocates a flexible zone of retirement between 60 and 65 that would permit retirement at age 60 with less than full actuarial reduction. In general, as workers grow older, they often find the pace of their work is beyond their physical ability. A flexible zone of retirement, if coupled with a substantial increase in benefits, would permit the individual to make a retirement decision during a period of years based on his financial resources, age, health and the nature of his occupation.

Though the social security program can be of considerable value to unemployed older workers, we know that it cannot solve what is essentially an unemployment problem. We are also advocating changes in other programs so that efforts in these various programs may dovetail to solve this social problem. It may not be possible to include all or most of our proposals for changing the Social Security law in this respect in the present legislation, but at the very least, Congress should refrain from making the problem of older workers more difficult by a more restrictive definition of disability.

DEFINITION OF DISABILITY

(American Foundation for the Blind, Inc., A. 168)

We are also pleased that H.R. 12080 has included disabled surviving divorced wives and disabled widowers for cash benefits. However, we believe that the requirement of attainment of age 50 for eligibility would work an undue hardship on otherwise eligible disabled widows, surviving divorced wives, and widowers. *Similarly, we believe that the definition of disability for these individuals is unduly harsh and should be made the same as the definition of disability for beneficiaries of the disability insurance program.* We also would strongly recommend that the cash benefits be 82½% of the primary insurance amount immediately upon eligibility for benefits rather than graduated

from 50% to 82½%. The American Foundation for the Blind welcomes the extension of the provision covering blind persons between the age of 21 and 31 for cash disability insurance benefits to all types of disabled persons who meet the definition of disability in the law. *However, we believe that the guidelines in the new Section 223 (d) (2) (A) concerning the definition of disability are unduly harsh. The individuals covered for cash benefits are severely disabled under the definition in the existing law, and this definition should not be made any stricter than it already is.*

DEFINITION OF DISABILITY

(Georgia Federation of the Blind, Conyers, Ga., A22)

CONYERS, GA.,
August 24, 1967.

Hon. RUSSELL B. LONG,
Chairman, Senate Committee on Finance, Senate Office Building, Washington, D.C.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: You now have before you, for consideration, H.R. 12080 as adopted by the House. This bill contains many excellent and progressive amendments to the social security act and in general, the Georgia Federation of the Blind supports this bill.

However, Section 156 contains the most regressive and punitive definition of disability ever to be included in a public assistance law since the days of the Elizabethan "poor laws". This provision makes the existence of a theoretically possible employment for a disabled person sufficient grounds for denying public assistance payments, whether or not such employment opportunities actually exist for him. It is our belief that public assistance in all categories should be granted on the basis of definite, objective criteria and not be made subject to the whim of Federal and State officials. The great majority of the severely disabled earnestly desire to become self sufficient and contributing members of society. They should be encouraged and assisted to reach this goal. This certainly would not be the effect of the provision written into this bill by the House Committee.

We would like to see the present criterion for assistance to the "totally and permanently disabled", which admittedly is severely restrictive, modified so that the criteria used for eligibility for benefit payments to the disabled under Title II of the social security act would also apply to applicants for assistance to the disabled under Title XIV. This would require the elimination of the word "permanently" in this Title and the substitution in the definition of disabled, wording similar to that now contained in Title II.

We respectfully request that the Senate Finance Committee eliminate the phraseology to which objection has been voiced herein, and the inclusion in the Senate version provisions which will allow the totally disabled, whose disability has lasted or is expected to last for at least twelve (12) months, eligible for public assistance payments under Title IV of the Act.

Respectfully submitted,

NED FREEMAN,
President, Georgia Federation of the Blind.

DEFINITION OF DISABILITY

(Gov. Philip H. Hoff, Vermont, A109; excerpt from September 8, 1967, letter to LONG)

(5) Social Security Disability Program: The bill sets a tighter definition of disability than presently exists in the law. The effect of this on the states will be to require denied applicants to seek public welfare under our State-Federal Aid to the Permanently and Totally Disabled Program. This simply amounts to an abrogation of responsibility on the part of the Federal Government and a pass on the financial burden to the States.

DEFINITION OF DISABILITY

(Blinded Veterans Association, American Association of Workers for the Blind; excerpt from statement of Irvin P. Schloss, national president of Blinded Veterans Association, A160)

BVA and AAWB endorse the provisions of H.R. 12080, which would make disabled widows, surviving divorced wives, and widowers eligible for benefits under age 62, even if they do not have minor children in their care. However, we believe that the requirement of attainment of age 50 for eligibility would work an undue hardship on these individuals. Similarly, we believe that the definition of disability for these individuals is unduly harsh and should be made the same as the definition of disability for beneficiaries of the disability insurance program. We also would strongly recommend that the cash benefits of 82½% of the primary insurance amount become available immediately upon eligibility for benefits rather than graduated from 50% to 82½%.

DEFINITION OF DISABILITY

(National Council of Senior Citizens; excerpt from statement of John F. Edelman, president, National Council of Senior Citizens, p. 1076–1077)

The House-passed bill contains a harshly restrictive definition of disability, forbids for widows without dependent children benefits below age 50, limits the primary benefit for widows at age 50 to half of the regular benefit with a gradual step-up in benefits determined by the age benefits begin.

DEFINITION OF DISABILITY

(Physicians Forum; excerpts from statement of Malcolm L. Peterson, M.D., chairman of the Physicians Forum, New York, N.Y., A242)

E. We regret the more restrictive definition of disability in H.R. 12080 as compared with the present law, and we regret the failure to include disabled beneficaries under Medicare as recommended by the administration.

DEFINITION OF DISABILITY

(Excerpt from statement of Robert M. Gettings, assistant for governmental affairs, on behalf of the National Association for Retarded Children, p. 1935)

The House Ways and Means Committee expressed concern over several recent court decisions reversing departmental determinations of eligibility for disability payments. In these cases, HEW found that the individual was not absolutely disabled but only disabled relative to the local job market. In an effort to correct this situation, H.R. 12080 revises the definition of disability to provide that if the client can do appropriate work which is significantly available in any part of the economy he will not be considered disabled. This language has two drawbacks from the point of view of the retarded. First, a retarded individual may be able to live and work in the community if he is residing with his family but not if he must venture forth on his own without proper social shelter. Second, the definition of feasibility for purposes of vocational rehabilitation depends on the availability of suitable work opportunities locally or at least within the State. The House language would tend to hinder proper coordination between welfare and rehabilitation programs immediately after these two activities had been combined for administrative purposes in the new social and rehabilitation service. We respectfully suggest that this committee include clarifying language in its report to insure that the new House definition of disability does not work to the disadvantage of retarded citizens.

Mr. METCALF. Only one witness testified in support of the House bill. So that my colleagues will have the full benefit of all the testimony offered to the Finance Committee on this provision, I again ask that the statement of Paul P. Henkel, chairman of the Social Security Committee of the Council of State Chambers of Commerce be printed in the RECORD at this point.

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

We do not oppose this disability insurance amendment proposed in H.R. 12080. We support the concern of the House Ways and Means Committee over the extension by judicial decisions of the definition of disability, We agree there is a need for a stricter definition."

Mr. METCALF. Mr. President, I also ask that excerpts from my remarks for the RECORD on November 17 be printed in the RECORD at this point.

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

"Mr. President, in this whole record, the only justification for taking this backward step and abandoning the position we took on the Social Security Amendments of 1965 is the testimony by Mr. Henkel of the Council of Chambers of Commerce.

"Actually, what has happened is that the social security system and the Department of Health, Education, and Welfare have lost a lawsuit. The courts have defined disability using definitions out of the Veterans' Act, out of the precedents of the Workmen's Compensation Act, and held against the present definition we have in the present bill.

"Thus, all I am asking is to return to present law and remove this restrictive definition.

"Going back to what the court has already defined, let me tell the Senate what it objects to. For instance, the administration is objecting to the case of Leftwich against Gardner.

"Mr. President, the recent decision of the Court of Appeals for the Fourth Circuit in *Leftwich* v. *Gardner*, 377 F. 2d 287 (1967), has been criticized by the Social Security Administration and that criticism has been adopted in the committee report. I do not share in the criticism of that opinion. Because of the significance of that decision which centered on a disabled father of nine children and so that my colleagues may have the full benefit of the court's thinking. I ask unanimous consent to have the opinion printed in the RECORD.

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

"John L. Leftwich, Appelle. *v.* John W. Gardner, Secretary of Health, Education, and Welfare, Appellant. No. 11015, United States Court of Appeals, Fourth Circuit, Argued March 7, 1967. Decided May 1, 1967.

"Social Security case. The United States District Court for the Southern District of West Virginia at Beckley, John A. Field, Jr., Chief Judge, granted claimant a period of disability and disability insurance benefits and Secretary of Health, Education, and Welfare appealed. The Court of Appeals, Craven, Circuit Judge, held that where 52-year-old manual laborer suffered from spondylolisthesis and had congenital marked curvature of spine so that he could not stoop, bend or lift and suffered pain when he sat more than 10 minutes and all of the time while he was standing, he was totally and permanently disabled for purposes of disability benefits under the Social Security Act and fact that he chose to work every day as a dishwasher to support his family did not preclude him from recovering disability benefits.

"Affirmed.

"Before Sobeloff and Craven, Circuit Judges, and Harvey, District Judge.

"Craven, Circuit Judge.

"In this unusual social security case, claimant Leftwich was denied disability ben-

efits at the administrative level largely because he has the admirable motivation to insist upon working for the support of his family despite physical inability to do so. There is more logic than common sense in such a result, and there is irony not intended, we think, by the Congress. We affirm the decision of the district court granting Leftwich a period of disability and disability insurance benefits.

"[1] We have carefully reexamined the record as a whole before deciding that the decision of the Hearing Examiner and the Appeals Council is not supported by substantial evidence. 'The substantiality of the evidence to support the Secretary's findings is the issue before each court.' Thomas v. Celebrezze, 331 F.2d 541 (4th Cir. 1964), citing Farley v. Celebrezze, 315 F.2d 704 (3d Cir. 1963), and Ward v. Celebrezze, 311 F.2d 115 (5th Cir. 1962).

"[2] Although we review the same record and make the same determination as made in the district court, '[i]t should hardly require articulation to note that an appellate court gives great weight both to the reasoning and conclusions of the district courts.' Farley v. Celebrezze, supra, 315 F.2d at 705 n. 3. There is here no inconsistency: we are influenced by the decision of the district court, but we are not bound by it. See Roberson v. Ribicoff, 299 F.2d 761, 763 (6th Cir. 1962); Flemming v. Booker, 283 F.2d 321, 322 n. 4 (5th Cir. 1960).

"In the Hearing Examiner's decision appears the following:

" 'The Hearing Examiner will not attempt to describe in detail each of the medical reports relative to the claimant or to describe the two hearings previously referred to,[1] since the Hearing Examiner feels that the primary issue to be resolved herein is whether or not the claimant's present job as a dishwasher at the Pinecrest Sanitarium, which he has been doing since around June 1960 to the present, constitutes the ability to engage in substantial gainful activity within the meaning of the disability provisions of the Social Security Act and the regulations implementing such provisions.' Consistent with that position, the hearing held at Beckley, West Virginia, on September 7, 1965, lasted exactly fifteen minutes. At that hearing, the Hearing Examiner said:

" 'It would appear to the Hearing Examiner that the reason the claimant's application was denied was because of his work at the Pinecrest Sanitarium as a dishwasher and they apparently considered this as the ability to engage in substantial gainful activity.'

"We agree with the Hearing Examiner that it is unnecessary to narrate in great detail the medical history of claimant. Only a small part of it will make it crystal clear that but for the question posed by his minimal employment he would unquestionably have been found unable to engage in substantial gainful employment.

"WORK HISTORY AND DISABILITIES

"[3] Leftwich is now fifty-two years old. Although he has a high school education, his entire work history consisted of manual labor in the coal mines, where he suffered two severe back injuries, one in 1951 and another in 1953. In the first accident he suffered a fractured right clavicle, fractures of the ribs, and injuries to the lower back. In the later accident he suffered a ruptured disc, which was removed by surgery in 1954.[2] Since that year, he has suffered from spondylolisthesis. He also has a congenital marked scoliosis (curvature) of the spine. Flexion of the spine is limited to two-thirds and side bending and extension nil. As of 1963, Dr. Stallard reported that claimant's condition had grown progressively worse and that claimant could not stoop, bend, or lift. In a 1964 report, Dr. Raub concluded that the claimant was 'quite disabled' and could not return to the mines.

"The Hearing Examiner noted in his decision that one doctor 'further commented that under modern screening processes and pre-employment examinations the claimant is barred from securing employment * * *.'

"Typical of medical opinion in the file is that of Dr. C. W. Stallard, who concluded as of May 12, 1961, 'this patient is totally and permanently disabled from work.'

"In addition to the extremely limiting physical disability, Leftwich suffers from psychoneurotic symptoms which the neuropsychiatrist has predicted will continue 'unabated.' This condition was described as 'moderately severe' and sufficient to make him a poor candidate for rehabilitative retraining.

"Despite the foregoing and much more, the Hearing Examiner concluded 'that the objective medical evidence of record establishes that the claimant has suffered moderate impairments to his musculoskeltal [sic] system that would preclude him from engaging in any work requiring heavy manual labor or lifting, bending, stooping, etc. But the Hearing Examiner does not feel the objective medical evidence of record establishes that the residuals of the claimant's impairments to his musculoskeltal [sic] system would preclude him from engaging in all substantial gainful activity, particularly of a light or moderate type, and he so finds.' We think it apparent that the Hearing Examiner and the Appeals Council accorded too much weight to.

"THE DISHWASHING JOB

"Much of the record and the Hearing Examiner's decision is devoted to consideration of claimant's having worked for approximately the past five years as a dishwasher at Pinecrest Sanitorium. Claimant says in explanation of his employment that his job is rather easy and that he is not pushed by his supervisor. He also says, and it rings true when read with the rest of the record, that he works days when he does not feel like it for the sake of his family. He has nine children dependent upon him. By way of corroboration, claimant has repeatedly advised doctors who examined him that he endures pain while he works for the sake of making a living for his family, that he has pain if he sits more than ten minutes, and that his back hurts all the time while he is standing.

"Claimant started his dishwashing job on May 25, 1960. He put in ten hours a day at first, 240 hours a month and earned $130.00 a month. As of 1965, his work day was eight hours, totaling 184 hours per month, for which he was paid $150.00. Although he is present at the place of work for an eight-hour day, he actually works only four to five hours per day. He washes dishes by the use of a dishwashing machine and scrubs aluminum pots by hand. He does no lifting. Claimant's supervisor testified that he was not capable of doing anything but dishwashing and pot washing, and that if he were, she would have assigned other duties to him. She disclosed that he could not have obtained his job without political influence and stated that a lot of employees at the sanitarium are persons who could not handle jobs in private industry.

"The Hearing Examiner conceded that claimant 'may well have gotten his job on the basis of politics,' but he felt that claimant's position was not a 'made' job involving minimal or trifling tasks which make little or no demand on the individual and are of little or no utility to his employer or to the operation of a business, and refused to apply the exclusion in the Regulations[3] in making this determination, the Hearing Examiner adverted to Hanes v. Celebreeze, 337 F.2d 209 (4th Cir. 1964), and acknowledged that counsel for claimant urged its similarity to the instant case. The Hearing Examiner rejected the analogy in these words:

" 'The Hearing Examiner also invites attention to the fact that the Administration does not acquiesce in either the results or the opinions expressed by the Fourth Circuit Court of Appeals in the *Hanes case*, and that it does not feel that the decision in the *Hanes* case is binding on it with respect to any other disability case.'

"We recognize that we are neither final nor infallible. However, we respectfully suggest that Hearing Examiners in this circuit may with some profit consider our prior decisions to see whether or not they have value in precedents.

"In *Hanes*, supra, this court held that evidence of claimant's earnings of $125.00 per month as a building custodian did not by itself and in view of other evidence constitute substantial evidence to support the Secretary's decision that claimant was disqualified for benefits due to ability to engage in substantial gainful activity. Judge Boreman, writing for the court, expressed the view that 'the court below erred in ascribing controlling significance to the evidence of claimant's earnings.' The decision of the district court affirming denial of benefits of the Secretary was reversed.

"In Flemming v. Booker, 283 F. 2d 321 (5th Cir. 1960), despite evidence that the claimant averaged five days a week work at a used car lot for which he was paid $15.00 or $20.00 a week, it was held that, nevertheless, the claimant had established his inability to engage in any *substantial* gainful activity. Judge Rives, speaking for the court, thought it not inappropriate to borrow tests of disability from other areas of the law. The quotations relied upon by the Fifth Circuit are worthy of reproduction here:

" 'In Berry v. United States, 1941, 312 U.S. 450, 455, 456, 61 S. Ct. 637, 639, 85 L. Ed. 945, Mr. Justice Black, speaking for a unanimous Court, said:

" ' "It was not necessary that petitioner be bedridden, wholly helpless, or that he should abandon every possible effort to work in order for the jury to find that he was totally and permanently disabled. It cannot be doubted that if petitioner had refrained from trying to do any work at all, and the same evidence of physical impairment which appears in this record had been offered, a jury could have properly found him totally and permanently disabled. And the jury could have found that his efforts to work—all of which sooner or later resulted in failure—were made not because of his ability to work but because of his unwillingness to live a life of idleness, even though totally and permanently disabled within the meaning of his policies." '

" 'In Mabry v. Travelers Ins. Co., 5 Cir., 1952, 193 F. 2d 497, 498, Judge Holmes, for [the Fifth] Circuit, said:

" ' "Pinched by poverty, beset by adversity, driven by necessity, one may work to keep the wolf away from the door though not physically able to work; and, under the law in this case, the fact that the woman worked to earn her living did not prevent a jury from finding, from the evidence before it, that she was totally and permanently disabled even while working." ' 283 F. 2d at 324.

[1] These were Workmen's Compensation hearings.

[2] Despite his serious injuries, claimant worked in the mines (after periods of recuperation) until in 1959 he was rejected by the company doctor.

[3] The exclusion reads as follows: "Made work", that is, worth involving the performance of mineral or trifling duties which make little or no demand on the individual and are of little or no utility to his employer, or to the operation of a business. If self-employed, does not demonstrate ability to engage in substantial gainful activity.

"The similarity of Leftwich's situation to those of claimants in *Hanes* and *Booker* is apparent.[4] No two cases are, of course, exactly alike. But Hearing Examiners may not quit thinking when a claimant's earnings reach a magic mark.[5] The test is not whether Leftwich by will power can stay on his feet yet another day—but whether objectively and in the totality of circumstances, including especially his afflictions, he is disabled within the meaning of the Social Security Act. Substantial medical evidence establishes that claimant was totally and permanently disabled. In spite of such disablement, he chose to work every day to support his family. The statute defines disability as an 'inability to engage in any substantial gainful activity.' In this case, the emphasis properly is on *inability*. We think the Congress did not intend to exclude from the benefits of the Act those disabled persons who because of character and a sense of responsibility for their dependents are most deserving.

"Affirmed."

Mr. METCALF. Mr. President, the appropriate part of the report begins on page 46, where it discusses the definition of disability and continues on through pages 47, 48, and 49.

The only justification given in the report for changing the definition is this:

"The Social Security Administration has indicated that in large part the reasons why a larger number of people than anticipated have become entitled to disability benefits are:

"(1) Greater knowledge of the protection available under the program leading to increased numbers of qualified people applying for benefits"—

They are complaining about the fact that more people know about the basic rights that we have given them, and thus more qualified people are getting some benefits.

"(2) Improved methods of developing evidence of disability."

That means that they have learned about the case in court, the Leftwich against Gardner case, which the administration is complaining about, demonstrating that their disability makes them qualify under the law.

"(3) More effective ways to assess the total impact of an individual's impairment on his ability to work."

In a veteran's case, the Supreme Court unanimously declared, and in a case quoted in the HEW case, that a person does not have to be completely or totally disabled. They said:

"It was not necessary that petitioner be bedridden, wholly helpless, or that he should abandon every possible effort to work in order for the jury to find that he was totally and permanently disabled."

What is wrong with that?

That is basic law. That is in the basic Workmen's Compensation law in most States.

Continuing to read:

"It cannot be doubted that if petitioner had refrained from trying to do any work at all, and the same evidence of physical impairment which appears in this record had been offered, a jury could have properly found him totally and permanently disabled. And the jury could have found that his efforts to work—all of which sooner or later resulted in failure—were made not because of his ability to work but because of his unwillingness to live a life of idleness, even though totally and permanently disabled within the meaning of his policies."

Continuing to read:

"Pinched by poverty, beset by adversity, driven by necessity, one may work to keep the wolf away from the door though not physically able to work; and, under the law in this case, the fact that the woman worked to earn her living did not prevent a jury from finding, from the evidence before it, that she was totally and permanently disabled even while working."

Mr. President, the law now, as written by the committee, states that his physical or mental impairments are of such severity that not only was he unable to do his previous work but he cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the general area where he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for one.

There is an exceptional case of a man disabled in the mines, as in the case of Leftwich against Gardner, in Montana.

They say, well, he cannot work in the mines any more, but he could answer the telephone for Arthur Murray, who teaches dancing back in New York, that since he could solicit people on the telephone for dancing lessons, as part of the national economy, he would have to leave his State and go to New York and participate in such an activity.

Of course, that is probably beyond—coming up under the definition—even what the Secretary would apply.

Actually, what the Secretary could apply under this conclusion is that a man would have to leave the geographic area in which he lived and he would have to engage in work in which he had no experience either by age, education, or training, and if such work were available in the national economy, whether he could get it or not, whether he would be available or not, whether a vacancy existed, he would still be disqualified because of disability.

Yet, when we made the change in 1965, and changed the definition of disability, we broadened and liberalized this portion of the act because those who are disabled needed this sort of liberalization.

For instance, the courts have applied this precedent in other areas—veterans, workmen's compensation—to the detriment of the definition laid down by the Secretary or the Hearing Examiner.

The reason stated to take this severe backward step, to broaden the bill, as the chairman has stated, to broaden the scope of social security, makes this the most important financial bill that has ever come before the Senate so far as increasing and broadening social security is concerned.

But, so far as those who are, unfortunately, disabled, are concerned, we are going back to make this a more limited bill than we have ever had before.

I submit, Mr. President, that these people want to come in and win their lawsuits. They should, therefore, at least appeal some of the cases to the Supreme Court and get some legal definition before they come out to the Senate and try to have us pull their irons out of the fire.

I submit that we should go back to existing law. We should return to the law we passed in 1965.

Mr. President, I ask unanimous consent that, as a part of my remarks, an excerpt from the Senate committee report be included in the RECORD.

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

"4. AMENDMENTS OF DISABILITY PROGRAM

"The Social Security Amendments of 1956 extended the insurance protection of the social security program to provide monthly benefits for persons with disabilities of long-continued and indefinite duration and of sufficient severity to prevent a return to any substantial gainful work. In providing this protection against loss of earnings resulting from extended total disability, the Congress designed a conservative program. Amendments enacted in 1958 and 1960 liberalized the disability program, among other changes, extended benefits to wives and children of the disabled, and provided for the payment of benefits to disabled workers under age 50, who had previously been excluded. All the recommended changes in the disability provisions of the program would be adequately financed from the contributions the committee is recommending be earmarked for the disability insurance trust fund.

"*(a) Elimination of the long-continued and indefinite duration requirement from the definition of disability.*

"Under present law, disability insurance benefits are payable only if the worker's disability is expected to result in death or to be of long-continued and indefinite duration. The House bill would broaden the disability protection afforded by the social security program by providing disability insurance benefits for an insured worker who has been totally disabled throughout a continuous period of 6 calendar months. The committee believes that the House provision could result in the payment of disability benefits in cases of short-term, temporary disability. Under the House provision, for example, benefits could be paid for several months in cases of temporary disability resulting from accidents or illnesses requiring a limited period of immobility. The committee believes, therefore, that it is necessary to require that a worker be under a disability for a somewhat longer period than 6 months in order to qualify for disability benefits. As a result, the committee's bill modifies the House bill to provide for the payment of disability benefits for an insured worker who has been or can be expected to be totally disabled throughout a continuous period of 12 calendar months. (Disability insurance benefits would also be payable if disability ends in death during this 12-month period, provided the worker has been disabled throughout a waiting period of 6 calendar months prior to death.) The effect of the provision the committee is recommending is to provide disability benefits for a totally disabled worker even though his condition may be expected to improve after a year. As experience under the disability program has demonstrated, in the great majority of cases in which total disability continues for at least a year the disability is essentially permanent. Thus, where disability has existed for 12 calendar months or more, no prognosis would be required. Where a worker has been under a disability which has lasted for less than 12 calendar months, the bill would require only a prediction that the worker's disability will continue for a total of at least 12 calendar months after onset of the disability.

"The House bill modifies the provision of present law under which the waiting period is waived in subsequent disability so as to make this provision more restrictive when applied to short-term disabilities. Since under the definition the committee is recommending disability protection would be limited to workers with extended total disabilities the same test of disability initially applied should also be applicable in second and subsequent disabilities. Under the provision in the committee bill, benefits would be paid beginning with the first month of onset of the second or subsequent disability

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[4] But cf. Canady v. Celebrezze, 367 F.2d 486 (4th Cir. 1966); Simmons v. Celebrezze, 362 F.2d 753 (4th Cir. 1966); Brown v. Celebrezze, 347 F.2d 227 (4th Cir. 1965).

[5] 20 C.F.R. § 404.1534 provides in pertinent part:

"(b) *Earnings at a monthly rate in excess of $100.* An individual's earnings from work activities averaging in excess of $100 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

and without regard to the waiting period requirement if the individual is under a disability which occurred within 5 years of the termination of his previous disability and which can be expected to result in death or has lasted, or can be expected to last, for a continuous period of not less than 12 calendar months.

"The modification in the definition of disability recommended by the committee does not change the requirement in existing law that an individual must by reason of his impairment be unable to 'engage in any substantial gainful activity.'

"An individual with a disabling impairment which is amendable to treatment that could be expected to restore his ability to work would meet the revised definition if he is undergoing therapy prescribed by his treatment sources, but his disability nevertheless has lasted, or can be expected to last, for at least 12 calendar months. However, an individual who willfully fails to follow such prescribed treatment could not by virtue of such failure qualify for benefits.

"The committee expects that, as now, procedures will be utilized to assure that the workers' condition will be reviewed periodically and reports of medical examinations and work activity will be obtained where appropriate so that benefits may be terminated promptly where the worker ceases to be disabled.

"The committee retains the provision in present law under which payment of disability benefits is first made for the seventh full month of disability. The House bill would have authorized payments beginning with the sixth full month of disability.

"It is estimated that if benefits were payable for disabilities that are total and last more than 12 calendar months but are not necessarily expected to last indefinitely, about 60,000 additional people—workers and their dependents—would become immediately eligible for benefits. Benefit payments under the provision of 1966 would total $40 million."

Mr. CURTIS. Mr. President, I am not out of sympathy with the individual cases in which the Senator from Montana is interested. We have, however, a far broader question before us. When it was undertaken to pay benefits to a disabled person just as though he were retired because of age, the decision was arrived at to make it a narrow definition.

Those who are interested might turn to the committee report beginning near the bottom of page 46, which reads:

The present law defines disability (except for certain cases of blindness) as the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months."

We have this strange situation. This narrow definition has been enlarged by interpretation of the courts. It is quite unlikely that any of those decisions will ever get to the Supreme Court. Consequently, courts all over the land have proceeded in various ways. The result is that the cost of disability retirement pay has gone up and up.

The allocation to the disability trust fund has increased from 0.50 percent of payroll in 1956 to 0.70 percent today, and will be increased to 0.95 percent by the committee's bill. In 1965 the Congress adopted an increase in the social security taxes allocated to the disability insurance trust fund; a large part of which was needed to meet an actuarial deficiency of 0.13 percent in the system. Again this year the administration has come to the Congress asking for an increase in the taxes allocated to that fund to meet an even larger actuarial deficiency, which has reduced the 0.03-percent surplus, estimated after the 1965 amendments, to a 0.15-percent deficiency.

What has happened is that even though the percentage of people in the total economy has not increased, the number of people who are now on disability retirement has increased. Because the Ways and Means Committee felt that the definition of disability as originally written by the Congress was not being adhered to, it inserted this language and put further guidelines in it, as appears on page 48 of the committee report, where Senators will find the following interesting comments:

"When asked about the court decisions, the Social Security Administration summarized developments in the courts in some jurisdictions as—

"(1) An increasing tendency to put the burden of proof on the Government to identify jobs for which the individual might have a reasonable opportunity to be hired, rather than ascertaining whether jobs exist in the economy which he can do. Claims are sometimes allowed by the courts where the reason a claimant has not been able to get a job is that employers having jobs he can do, prefer to avoid what they view as a risk in hiring a person having an impairment even though the impairment is not such as to render the person incapable of doing the job available.

"(2) A narrowing of the geographic area in which the jobs the person can do must exist, by reversing the Department's denial in cases in which it has not been shown that jobs the claimant can do exist within a reasonable commuting distance of his home, rather than in the economy in general.

"(3) The question of the kind of medical evidence necessary to establish the existence and severity of an impairment, and how conflicting medical opinions and evidence are to be resolved.

"(4) While there have heretofore been no major differences by or among the courts on the issue of disability when the claimant was performing work at a level which the Secretary under the regulations had determined to be substantial gainful activity, this issue was recently highlighted and publicized in the case of *Leftwich* v. *Gardner*. The Fourth Circuit Court of Appeals in this case held that the claimant was under a disability despite his demonstrated work performance considered by the Secretary to be substantial gainful activity."

Then the Finance Committee said this:

"The committee concurs with the statement of the Committee on Ways and Means instructing the Social Security Administration to report immediately to the Congress on future trends of judicial interpretation of this nature. As a remedy for the situation which has developed, the committee's bill would provide guidelines to reemphasize the predominant importance of medical factors in the disability determination."

In summary, it amounts to just about this: Congress provided for the disability program. It provided for the degree of disability. The Ways and Means Committee of the House and the Finance Committee of the Senate found that that definition of disability was being exceeded and they placed in this bill some guidelines. I believe they should be left in there. I think to depart from a rather strict and narrow definition of disability in the social security program would be a mistake. That is not to say that some people should not have consideration in other programs. I regretfully express the hope that the amendment will not be adopted.

Mr. METCALF. Mr. President, I shall take only a few minutes.

I have a memorandum from Robert J. Myers, Chief Actuary of the Social Security Administration, which reads:

"H.R. 12080, both as passed by the House and as reported by the Finance Committee, would provide a more detailed definition of 'disability' as used in determining eligibility for disability benefits under Social Security. It has been proposed"—

That is my amendment—

"that this detailed definition would then be eliminated, so that the definition would then be that in persent law.

"In my opinion, such a change would not necessitate any increase in my estimate of the cost of the program, since I did not reduce the cost estimate when the more detailed definition was added to the bill. But, in the absence of the more detailed definition, there is a much greater likelihood that the costs actually developing will exceed my intermediate-cost estimate."

So we do not need to add any further taxes; we do not need to add any further increases; this amendment goes back to existing law.

I point out that in the Leftwich' case which I mentioned and which the Senator from Nebraska (Mr. CURTIS) mentioned, Mr. Leftwich was denied disability benefits by the hearing examiner and Secretary. Mr. Leftwich could not stoop, bend, or sit down for more than 10 minutes. Yet he was required to take a job as a dishwasher at $130 a month to support himself and nine children. The Circuit Court of Appeals for the Fourth Circuit, quite properly, I think, held that, under that definition, a man who could not bend, stoop, or sit for very long did not have to take a job at $130 a month while he was under physical pain at all times, but was entitled to disability benefits.

That is all I seek: To go back to that kind of definition, to return to the kind of language that we had in the bill in the 1965 act, which to my mind actually protects all the people who need to be protected, protects the financial integrity of the act, and will prevent us from taking the backward step we would be taking should be adopt the definition that is now in the bill.

Mr. METCALF. On November 17 the restrictive definition of disability contained in the House bill was put to a roll-call vote on the floor of the Senate and by a substantial margin my colleagues voted to delete the House definition of disability. However, in conference, with one minor change the Senate conferees receded on this amendment as they did on just about everything else that the Senate passed both in committee and on the floor.

Today I am reintroducing my amendment in the form of a Senate bill in which I am joined by 35 of my colleagues as cosponsors. Those of my colleagues who have joined with me in seeking again to return the definition of disability to the way it was after the 1965 amendments to the Social Security Act are Senators BROOKE, BURDICK, BYRD of West Virginia, CASE, CHURCH, CLARK, GRUENING, HARRIS, HART, HATFIELD, HILL, JAVITS, KENNEDY of Massachusetts, KENNEDY of New York, LONG of Missouri, MCCARTHY, MCGEE, MCGOVERN, MANSFIELD, MONDALE, MONTOYA, MORSE, MUSKIE, NELSON, PELL, PROUTY, PROXMIRE, RANDOLPH, RIBICOFF, SPARKMAN, SPONG, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio.

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

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and without objection, the bill will be printed in the RECORD.

The bill (S. 2935) to amend title II of the Social Security Act so as to provide that the definition of the term disability, as employed therein, shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967, introduced by Mr. METCALF (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i)(1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)," and inserting in lieu thereof "paragraph (2)".

SEC. 2. The amendments made by this Act shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(a) in or after the month in which this Act is enacted, or

(b) before the month in which this Act is enacted if the applicant has not died before such month and if—

(1) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(2) the notice referred to in paragraph (1) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

PAN AMERICAN WORLD AIRWAYS AND THE RUSSIAN SST—FACTS VERSUS RUMORS

Mr. GOLDWATER. Mr. President, during the recent debate on the supersonic transport, several statements were made such month.

to the effect that a rumor had been heard that Pan American World Airways may have ordered three TU–144's, the Russian SST. I have checked the facts in this case, and I am very happy to provide what I have been able to find out.

I ask unanimous consent that the facts be printed in the RECORD. I urge Senators to read this short statement, because it is indicative of the mood of one of the world's major improvements.

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

RUMOR

Pan American World Airways may have ordered three TU–144's.

FACT

Pan American World Airways representatives (N. E. Halaby and J. H. Borger) visited Russia with other U.S. industry team members in 1969 and viewed the TU–144.

Mr. Borger provided Russians with list of data needed for PAA to do an evaluation.

The Russians agreed to provide PAA data as requested when the TU–144 was to be offered for sale.

No further contact with the Russians has been made by PAA and no data have been received for evaluation.

Mr. Halaby has made public statements to the effect that PAA will evaluate the TU–144 along with other airplanes offered for sale and if no other SST's should be available, they would surely be forced to buy Russian equipment.

The USSR has clearly demonstrated its desire to obtain a large share of the free world aviation market (see *Aviation Week and Space Technology,* October 26, 1970).

ADVERSE EFFECT OF FEDERAL ASSISTANCE TO SUGAR REFINERY IN GEORGIA

Mr. TALMADGE. Mr. President, in late 1969 the Small Business Administration approved an application for lease guarantee insurance for the proposed Old Dominion Sugar Corp. in Portsmouth, Va.

At the time, I advised the Administrator of SBA of my serious concern with this action since the establishment of another sugar industry with Federal assistance would adversely affect an existing sugar refinery in the State of Georgia which was established and is operated with private capital.

Other Members of Congress have questioned this agreement because the Federal Government is already heavily involved in the sugar industry due to loans which have been made to the industry in the State of Maine by the Economic Development Administration. The record clearly indicates that these loans have developed into EDA's biggest headache.

The replies which I have received from SBA to my written expressions of concern about this matter have not been entirely responsive. A good description of the important issues involved, and an excellent indication of what SBA is getting into, is contained in a column by Robert S. Allen and John A. Goldsmith published in the Savannah Morning News of November 10, 1970.

In view of the significance of this matter, I ask unanimous consent that the article be printed in the RECORD.

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

SUBSIDY BLOCKED

WASHINGTON.—The Small Business Administration, long in hot water with Congress, is again under harsh attack.

A House Small Business subcommittee has, in effect, bluntly ordered the agency not to approve a $27.4 million lease guarantee it was all set to grant a Portsmouth, Va., sugar company.

In the forceful opinion of the subcommittee, the concern has highly dubious assets, qualifications and prospects.

This unusual action was taken by the subcommittee, headed by Rep. John Kluczynski, D-Ill., in a sternly-worded report that for some unknown reason has gone unnoticed.

The panel's critical findings and crackdown were based on a series of hearings triggered by Rep. H. R. Gross, R-Iowa. In disclosing the proposed $27.4 million lease guarantee, the veteran "Treasury watchdog" charged it was an "unsound subsidy" that almost certainly would "saddle another burden on the already staggering U.S. taxpayer."

He also asserted the Portsmouth company intended to use machinery imported from England.

Gross' charges are fully upheld in the subcommittee's report.

Small Business Administrator Hilary Sandoval, repeatedly assailed in and out of Congress on a number of counts, is not mentioned by name in the report. But there can be small satisfaction for him in that.

From beginning to end the document is unsparing in its disapproval and condemnation of the proposed multi-million dollar deal.

In the very first paragraph of its findings the subcommittee caustically characterizes the concern involved—Old Dominion Sugar Corporaton—as a "corporate shell which has never done any business of any kind and which was run by a man who had no experience in the business."

The final paragraph concludes, "This venture could cost taxpayers $8,173,579 at the minimum and $23.4 million at the worst."

In forcefully enjoining SBA to "critically reevaluate" the proposed lease guarantee and to take no further action without the express authorization of the subcommittee, it held this was necessary because of four principal findings, as follows:

"The intent of Congress was to aid and assist the small businessman . . . A guarantee for more than $27.4 million is not small business.

"SBA does not have a reasonable basis to conclude that the Old Dominion Sugar Corp. would be financially profitable . . . Testimony by individuals in the sugar industry was in direct conflict with that of SBA. The latter stated that the company would have to make an 8.8 per cent gross profit in order to survive. SBA consultants had forecast a 4.3 per cent profit.

"It is evident the proposed lease guarantee can be summarized as taxpayers' money being used to guarantee rent payments by a company which has never been in the sugar business, has no experienced management and has no real knowledge of the sugar market.

"The proposed SBA undertaking is not in the government's best interest and constitutes poor stewardship of public funds."

The report also contains two startling disclosures:

That "an SBA financial adviser rated the Old Dominion corporate structure as very poor."

That the "chief SBA underwriter stated the venture did not appear feasible and was not the type of risk the government should be guaranteeing."

There is no explanation in the report why, in view of these strong objections from its own officials, the Small Business Administration proposed granting the $27.4 million lease guarantee.

While there is no hint of wrongdoing in the subcommittee's report, its condemnation of the deal is sweeping.

It remains to be sene what SBA now does about it.

THE CASE FOR THE SST

Mr. GOLDWATER. Mr. President, now that the aerospace industry, the administration and others interested in American aviation have been jolted out of their apathy, sound, sensible arguments for the SST, are beginning to find their way into public print. We find that the SST is not being promoted, as some of its critics would like you to believe for the purpose of making sonic booms, polluting the air, changing the planet, wasting money or irradiating passengers.

As a very fine article in the December issue of American Legion magazine by Mr. Harvey Ardman points out, the real reason why our aviation experts in and out of industry want to keep going full speed on SST development is purely economics. As Mr. Ardman puts it in his article entitled "The Case of the Supersonic Transport:"

The livelihood of the Americans whose jobs and income depend on our aerospace industry require us to be ahead of the world in

supersonic commercial jet plane design, manufacture, performance and sales in the years ahead. We cannot match the low cost of cheap labor abroad, and we live or die in business competition with the rest of the world by keeping ahead or not keeping ahead in performance.

The SST is the next generation of passenger planes. While we debate whether there should or should not be SSTs, our aviation industry is already seriously behind the time schedule of foreign competitors in developing a marketable SST for the world's airlines.

Mr. Ardman goes on to say that we have more than a million people directly employed in the aerospace industry and more than 4 million whose incomes are directly identifiable with aerospace production and sales, when we include subcontractors and suppliers. He underscores the fact that from now through the 1980's the health of this vast American industry will depend largely on whether we make and sell the lion's share of the coming generation of SST passenger planes.

Mr. President, I ask unanimous consent that Mr. Ardman's article, published in the American Legion magazine for December 1970, be printed in the RECORD.

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

THE CASE FOR THE SUPERSONIC TRANSPORT

IN THE FACE OF THE OBJECTIONS TO THE SST, CAN YOU SAY WHY OUR AVIATION EXPERTS WANT IT?

(By Harvey Ardman)

The development of an American supersonic transport airplane, to carry commercial passengers between continents three times as fast as current jets, has been a controversial subject for quite a few years now.

Government funds as well as private funds are needed to help bear the enormous cost of development, so the creation of an American SST is in the area of public debate, and it has been debated to a fare-thee-well.

A host of objections to the SST has been raised. They include:

The great cost of development.

The need to divert government funds, instead, to poverty programs and other social purposes.

The lack of any apparent need for such air speed at such cost when it can take nearly as long to get to and from the airports as it takes to fly the Atlantic right now.

The sonic booms that such planes would make, to the annoyance or worse of people and things below.

Supposed danger of radiation damage to passengers who'd fly as high as the SST's would fly.

Pollution of the upper air by jet exhausts with possibly direful effects on world climate.

Possible destruction of the high ozone layer which helps keep damaging ultra-violet rays from reaching the earth.

Anybody who has been reading the papers or listening to radio or TV knows that these discouraging objections have received the most attention in the public debate. They have gotten the headlines, the prime spots in news broadcasts and the blasts of some of the politicians. In the recent elections some candidates of both parties included anti-SST platforms in their campaigning. Alarmed conservation and anti-pollution groups have issued these objections to the SST broadside.

The public is entitled to hear and weigh these points. The SST is a public question, and these are not the kind of objections that should be swept under the rug.

The public is equally entitled to hear the answers to them and the reasons why an American SST is wanted, if we are really supposed to reach great decisions through the expressed will of an informed public.

Inexpert propagandists have been fantastically wrong in their treatment of scientific developments in the past. So wrong have they been that in a recent release the Nat'l Aeronautic Ass'n—which is *for* the SST—had a bit of fun with the media's habit of giving the bigger play to SST objections. The NAA dug up an Oct. 9, 1903, New York Times editorial that appeared after Professor Langley's Flying Machine had crashed into the Potomac on Oct. 7 of that year.

Langley's attempt to fly was a "ridiculous fiasco," said the Times then. It went on to say that it would take "from one million to ten million years" to evolve a machine that would really fly, *if* we could eliminate "the existing relation between weight and strength in inorganic materials." Birds are organic and can fly, machines are inorganic and cannot, it explained. We'd be better advised, it said, to devote our efforts to more profitable things.

Langley's plane crashed in the Potomac again on Dec. 8, 1903. Two days later the Times of those days was back scolding him. The unsolvable problem of flight, it patiently explained to Langley, was that because there is always a weakest part to any mechanical device, extra strength must be built in to provide a safety factor. "To allow it in an aeroplane," Langley was advised, "would be to weight it so that it would be too heavy for its purpose."

As a lesson in newspaper science, let it be noted that Langley's plane was later proved flyable, and that when the above editorial appeared on December 10 the Times had just seven days left for the life of its explanation of why man would not fly until at least the year 1001903 A.D. On Dec. 17, 1903, Orville Wright took off, flew and landed a heavier-than-air machine under its own power at Kitty Hawk, N.C.

Digging up such editorials is good clean fun, of course. It doesn't prove anything one way or the other about the SST. But it does make a valid point.

When we get tailor-made opinion on the scientific impossibility of coping with problems, we are well advised to hark to the experts as well as the amateurs, and we are entitled to a fair shake in getting our hands on what the experts say.

Some of the objections to the SST are deadly serious, and not to be taken lightly. Which doesn't mean that nothing can be done about them. Some of them are pure nonsense. Others are irrelevant. Meanwhile, the main reason why the aviation industry and the U.S. Department of Transportation want the SST has been reported with so little emphasis—among all that has been said—that if you know what it is you're a rare bird. Do you know why those who want it want it?

The SST certainly is *not* being promoted to make sonic booms, pollute the air, change the climate, waste money or irradiate passengers.

The latter is among the objections in the nonsense category. Radiation from space is a little more at the 65,000-foot elevations that SST's would normally fly than it is at the 35,000-foot levels of our present commercial jets. At 65,000 feet, radiation generally is almost as great as it is at ground level in New York City. New York has higher than normal ground level radiation for reasons nobody yet comprehends. Normal radiation at 65,000 feet is not as great as it is in some long-inhabited areas of South America.

There are periods when solar flares intensify the radiation in the upper atmosphere. These flares are monitored and even predicted from earth. All an SST pilot need do would be to react as you do when you see a red traffic light. He'd stop. That is, stop flying at 65,000 feet and come down to a lower level—in fact he'd be ordered to.

There is a world of experience in dealing with this. Military planes have been flying with men aboard at these altitudes and higher for close to a generation now. Our U–2 pilots logged thousands of hours at 75,000 to 80,000 feet without any radiation problem. The radiation factor is not an argument against our producing SST's, but only a warning to observe precaution that are already timeworn.

Solar flares aside, there is less radiation exposure for passengers flying the Atlantic in an SST than in one of our current commercial jets. Time is a factor of radiation exposure. A passenger on a two-and-a-half-hour SST flight from New York to London at 65,000 feet will, under normal conditions, absorb less radiation than he does today making a six-and-three-quarter-hour flight at 35,000 feet. The much shorter time of exposure more than offsets the slightly higher radiation level.

If concern about radiation is to be taken seriously, we must scrap the present planes as fast as possible and get cracking with high speed SST's so that passengers need not spend so much time at high elevations. Fortunately, the radiation in either case is usually negligible. It is easily avoidable when it is not negligible. Which is why I have labeled this as a nonsense objection against producing American SST's.

At the other extreme, the sonic boom question isn't nonsense at all. A plane flying faster than sound (and the SST's would hit top speeds not quite three times the speed of sound) makes a boom that makes a bang on land and sea below. There is no known way to prevent a plane that's flying faster than sound from making a sonic boom.

The designers, planners and proponents of the SST have been more aware of this than anyone else. The boom is a bug they can't lick entirely.

If we get our own SST's they will have to be, and will be, tightly regulated when it comes to making booms. The regulations of SST flight proposed by the Department of Transportation are tougher than those imposed on supersonic military planes. So when it comes to the booms that you might hear from SST's, you can say they will be scarcer and weaker than whatever booms you have been hearing from military planes. In fact, you can expect none unless you're at sea. This does not overcome the objection, and nothing can overcome objections to booms if there are to be booms.

SST's will be forbidden to fly at boom speeds over land in U.S. territory, and other countries have their own rules. Planes are not being sought for strictly land routes, but only for transoceanic flight. When and if they fly from, say, Chicago to London, they will still have a speed of advantage during the land portion of the flight of 200 to 250 mph over current commercial planes without making booms on the ground.

They will be forbidden to make booms until they are out to sea. Most of their supersonic speed will be around 65,000 feet over water. They will not dive and maneuver like military planes. Dives and low-level flight produce the window-breaking, dynamite-like booms that have been experienced from military planes.

It is no kindness to ships at sea to make any booms. What kind of booms will ships hear? Sonic booms are measured in pounds per square foot (*psf*) in excess of the existing air pressure. A *psf* of 120 is a helluva boom. It doesn't directly injure people but nothing else good can be said about it. The plaster-cracking, window-shattering boom can have a *psf* as low as 10 to 20. A diving or low-level fighter plane can produce one easily.

The SST in its level flight at its prescribed altitude will make booms of from 1.5 to 2.2 *psf* on the water below. This is like a thunderclap from maybe half a mile away—not distant, not right on top of you. It exerts the

same *psf* that hits the ears of a Volkswagen driver when he swings his car door shut. At one point in its climb to cruising altitude the SST will make a boom of 3.5 *psf*. This is like a nearer thunderclap. Ships are surely going to hear these thunderclaps caused by SST's when they hit their transoceanic speeds. It's nothing to cheer about, but neither does it seem to have been a problem of great dimension so far. For many years military planes have been flying all the oceans at Mach 2 (scientific jargon for twice the speed of sound) without creating a maritime problem.

But let's not kiss off sonic booms. Who wants them even if SST's won't make bad ones at sea and none over land? The problem here is a different one. We won't escape booms from supersonic transports by preventing the United States from developing SST's. Britain, France and Russia are making SST's. They've flown theirs while all we have is a dummy.

U.S. and European airlines have already reserved 74 SST's from pending British and French production. Foreign-make SST's are going to be flying the oceans, and making booms over them, whether we develop our own SST's or not. If we keep American firms from making SST's we will lose the business and still get the booms. The boom question, then, is a question of regulation, and not a reason to keep us out of the SST business.

Here we get to the real reason why our aviation experts in and out of the industry want to keep going full speed on SST development.

It is purely economic.

The livelihoods of the Americans whose jobs and income depend on our aerospace industry require us to be ahead of the world in supersonic commercial jet plane design, manufacture, performance and sales in the years ahead. We cannot match the low cost of cheap labor abroad, and we live or die in business competition with the rest of the world by keeping ahead or not keeping ahead in performance.

The SST is the next generation of passenger planes. While we debate whether there should or should not be SST's, our aviation industry is already seriously behind the time schedule of foreign competitors in developing a marketable SST for the world's airlines.

We have more than a million people directly employed in the areospace industry. We have a total of more than four million whose incomes are directly identifiable with aerospace production and sales, when we include subcontractors and suppliers who are not themselves directly a part of aerospace.

From now through the 1980's the health of the industry will depend largely on whether or not we make and sell the lion's share of the coming generation of SST passenger planes.

According to present plans, the joint British-French SST, the Concorde, will be ready for scheduled flights between 1972 and 1974. The Boeing SST, by contrast, is well behind that. It can't enter commercial service until 1978, even if it suffers no further delay.

The drawing-board Boeing is far superior to the already-flown Concorde. No airline would prefer a Concorde to a Boeing if it were offered a choice of two proven planes that meet the present specifications of each, though a Concorde would cost less. The major world airlines might sit out the four-to-six-year time difference for most of their SST purchases if they could be assured that the Boeing would be available about on target.

The Boeing's superiority is based on an American technology that cannot yet be duplicated abroad. It would cruise about 430 mph faster than the Concorde with more than twice as many passengers. What the airlines want is more speed while carrying more passengers.

It isn't that they are concerned about saving each passenger four hours or so in crossing the Atlantic. Probably not one passenger in ten could do much with the time saved, though few would choose a seven-hour flight if a two-and-a-half-hour one were available. What interests the airlines is that a single plane could carry far more people in any given time.

A 298-passenger Boeing SST, designed to cruise at 1,780 mph, could make 27 N.Y.-London round trips in the flying time that the new Boeing 747 needs to make ten round trips at its 595 mph cruising speed. Scheduling, turnaround and on-ground factors may not allow full use of this advantage, but the first Boeing SST will probably be twice as productive in passenger haul as a 747, and later ones as much as 2½ times as productive.

Of course, this kind of SST performance represents vast operating savings for the airlines. None of them want to fly many slower planes and crews, and support terminal facilities for them, to do what a few SST's might be doing for their competitors.

This kind of performance could also do something more for passengers than save them a few hours. The economical performance of SST's would hold their air fares down. If we stay with the present planes, airline efficiency will hit a plateau. Thereafter, transoceanic air fares must rise with inflation. The better economic performance of SST's will hold fares down. For most passengers, the dollar savings in fares will probably mean more in the future than the hours saved on each trip.

The present Concorde, designed to carry 128 passengers at 1,350 mph cruising speeds, is so superior to the jets now flying that, without a Boeing SST, the world's airlines would go for Concordes, as their 74 existing orders for Concordes attest.

But it's so inferior to the Boeing's planned performance that the Concorde couldn't stand the competition of an assured Boeing SST.

Rumors keep pouring out of Europe that the Concorde will be abandoned, whether we produce a Boeing SST or not.

Rumors about multi-million dollar projects often have multi-million dollar motives behind them. Every fresh rumor that the Concorde will never go into full production is heralded here as proof that we don't need the Boeing SST after all, and it promotes delay in Boeing SST development. Every delay of the Boeing SST gives the Concorde's makers more time to sell the first models and more time to work on improvements that might make it more competitive with the Boeing. The British Concorde is probably quietly in production now.

Some of our own responsible people outside of the aerospace industry have taken all of this lightly. It is deadly serious (a) to the Concorde makers abroad who are proceeding with the ship in Britain and France behind the facade of rumor, and (b) to everyone whose bread and butter comes from airplane production in the United States.

The widespread public and political campaigns against the SST here are fostering near panic in our aerospace industry. The whole industry is hurting today, even though (thanks to its past technological superiority) it has previously suffered far less from foreign competition than most of our other major industries.

U.S. aerospace is now seriously depressed for a variety of reasons which may not change for the better soon, and it looks to the SST to give it the lift it needs.

Our plane-making industry was on the rise until recently. In 1968 we hit an all-time peak of 1,418,000 people directly employed in aerospace. Well over 4 million more benefited directly from subcontracting and supply orders placed with other industries. Throughout the '60's, U.S. aerospace throve (1) on its near-monopoly of free-world civilian plane sales; (2) on its space contracts for NASA; (3) on its manufacture of U.S. Air Force, Navy and Marine Corps planes and, (4) on its sales of military planes abroad.

In civilian plane sales alone we have provided very nearly all the planes flown by U.S. airlines, while 84% of all jets flown by commercial airlines in the free world today are American made.

In June of 1970, those directly employed were down to 1,160,000. Some 258,000 jobs had disappeared in a little over a year. Cities like Seattle, Los Angeles, Wichita, Dallas and Fort Worth suddenly suffered widespread unemployment.

By next March, the outlook is that another 174,000 jobs in the industry will have disappeared. With each job that goes, roughly three people in subcontracting and supply firms lose work due to the disappearance of aerospace orders.

The industry had been doing better than ever in the sale of civilian planes here and abroad until just recently, when, unfortunately, it needed to do better yet.

We sold $3.2 billion worth of commercial planes in 1966—with about $1 billion in sales overseas. In 1969, we hit a high of $5.6 billion, with almost $2 billion in foreign sales.

Since then a series of blows has struck the industry.

Commercial plane orders of current jets slipped off because of internal crises in the airlines.

Our government cut back both its military and its space-program orders.

National policy dictated that we not sell military planes to aggressive small countries abroad. The French moved into that market. With assured sales left them by our moving out of the picture, they have now produced a better small fighter for small nations' purposes.

Today, South American countries no longer buy any U.S. combat planes. They get them chiefly from France.

Readers may applaud or condemn these losses of military and space orders, as they choose. For our aerospace industry they mean that the bread and butter of millions of Americans must depend more than ever on holding and enlarging the commercial plane market.

But in the commercial field we have been losing ground in the foreign airlines markets even when we get the business. The trouble is that jets that fly slower than sound are beginning to respond to the law of diminishing economic return for us. Even when we bring out a better subsonic jet, there's less of it that's brand new. More of it can be made abroad by firms that have caught up with the American technology that first developed today's basic models.

What has been happening is that when McDonnell-Douglas gets a contract to provide planes for Canada. Canada stipulated that she'll make the wings and tail. When Lockheed signs an order to supply planes for British airlines. Britain stipulates that she'll install Rolls-Royce engines in them—and so on. In short, there's less work for the U.S. planemakers even when they get foreign orders.

The same thing applies to replacement parts of existing models, which are a good part of the business. As fast as they can, other industrial countries learn to make their own parts for older model planes that they buy from us.

Even if nobody makes an SST, this will only get worse. If the whole world freezes commercial plane performance at about the level of the present 595 mph Boeing 747, it will only be a matter of time before other countries, with cheaper labor, will provide equivalent planes cheaper for their airlines *and ours*. All they need is time to catch up with American know-how, if the march of our know-how is willfully arrested.

They are catching up fast. This October a consortium of European nations was reported to be dealing with Britain for trade favors, in return for which they'd stop buying General Electric jet engines in favor of all British engines on their airlines.

They'll not only catch up, but they'll get ahead of us too, if we willfully check our own progress and they don't.

The first pilot model Concorde flew in March 1969. It broke the sound barrier that October. This Oct. 10, a Concorde hit 1,320 mph in level course flight.

The Russian TU–144 made its maiden flight on Dec. 31, 1968. It broke the sound barrier in June 1969 and hit 1,336 mph last May. The Soviets expect the first one to be carrying 120 passengers at a top speed of 1,550 mph in 1972. There's good evidence that Russia is bidding for world markets in a big way.

The 298-passenger, 1,780 mph Boeing exists only in the form of a full-scale mock-up in the huge workrooms of the Boeing Seattle plant. If that's where it stops we will be in the industry-wide position that Henry Ford was in when he stuck to his Model T into the late 1920's after his competitors had passed him by in making good, low-priced cars. Henry had to close shop and start all over, and Ford hasn't regained its one-time lead over General Motors since. When the first Concorde flies an ocean with paying passengers, our new 747 will become a Model T of intercontinental flight.

The catastrophe that awaits us if we pull a Model T performance in planemaking will go far beyond the total depression of our aircraft industry.

That industry has been pulling more than its weight in holding up our balance of trade with other nations and in checking the disastrous flow of American dollars abroad.

Let's not review the ground we've lost to foreign competition in the auto, the movie, the camera and the huge electronics industries—as well as steel, textiles and many others—both at home and abroad. In 1970, the details read like a funeral dirge.

Plane-making has been perhaps the brightest spot in this whole picture. Consider that if our $5.6 billion trade in commercial plane sales in 1969 had gone to foreign firms the United States would have lost another $11.2 billion in both trade balance and dollar flow—from $5.6 billion in to $5.6 billion out. The best present estimates of what we'll lose as a nation in trade balance and outward dollar flow, if the Concorde flies and the Boeing doesn't, run as high as $50 billion between 1978 and 1990.

Had enough? These are the reasons why those who want the Boeing SST want it, and to say more about why would belabor the point.

We Americans can only live at our living standard if we keep ahead in technology, and constantly offer the rest of the world better products than it can make.

That's what we bet on when we joined the other nations in a series of long-term agreements to do away with protective tariffs. The other nations bet that they could manufacture existing products cheaper than we could. And they can. We bet that we could make what they couldn't. And we can if we will.

When we could make electronics products that they couldn't, we owned the world electronics market But given a few years for them to study our products, we could no longer rule the mass electronics market. By 1972, inroads made chiefly by Japan and West Germany will see us with an unfavorable balance of trade in electronic products.

The Boeing SST may be late on the scene, compared to the Concorde, but if it moves on schedule it will rule the roost for years. Britain and France built their huge investment in the Concorde around an aluminum technology. They designed it for about the top speed that an aluminum fuselage can endure, due to the heat of air friction.

That speed is about 1,350 mph for safe cruising and up to 1,550 mph for short bursts only, under favorable conditions. The Soviets went the whole limit and gave their TU–144 a capability of 1,550 mph. It will hardly ever do that, because it cannot safely do it for long.

In both cases these foreign planes went right to the limit of the known technology, which is probably why their makers dared challenge the American giant. And of course they worked out all their systems, design and power plants for the speeds they had in mind.

But if we were slower, one reason was that we were developing a titanium technology for fuselages and structure that can stand far greater air-friction heat. We have the technology today. We have used it in two military models. Nobody else has it in such shape as to project mass airplane production on a titanium fuselage base.

Some day it will be copied, if anyone dares sink all that capital in another attempt to get ahead of us. All of our SST basic research and development has moved ahead with an over-1700 mph plane in mind, and a technological ceiling of above 2,000 mph.

Boeing got the official nod as the chief plane designer and producer.

GE has been developing the powerful engines. Various work and research has been parceled out from time to time to such firms as Aerojet General, Avco, Fairchild Hiller, LTV Aerospace, Northrop, North American Rockwell, Rohr, Garrett, Goodyear, Uniroyal, Bendix, Hamilton Standard, Litton Industries and Sperry. Others will enter the field in time. McDonnell-Douglas ought to be one such, as it rates high in titanium technology.

If this is a formidable array of lobbyists for the SST (and it is) it is also an array of those who employ the bulk of the millions whose livelihood depends on American plane production and sales. The technology they are working on would virtually force the Concorde to start over.

It is interesting to note the objection made to the SST to the effect that the large sums of government money needed to help underwrite the development are needed instead for poverty programs.

It is estimated that it will take a little over $1.6 billion to make and test our prototype Boeing SST. Boeing and GE (the major contractors) would put up about $300 million between them, the airlines would put up about $60 million and the government would advance close to $1.3 billion. Still more will be needed to get full production under way.

About $1 billion has already been spent, and of course Congress doesn't switch money from plane production to poverty programs. It treats them separately.

More to the point was an article in the Harvard Business Review by the mayor of St. Louis a year or so ago, discussing St. Louis' terrible poverty problems. McDonnell-Douglas, a major St. Louis employer and a major U.S. plane-maker, was held up as a fine example of an industry which restyled its jobs and its production methods in order to employ more unskilled labor in St. Louis. One need only walk among the laid off workers in the many U.S. cities that are hurt by the aerospace cutbacks to get it from them that what hurts aerospace makes poverty grow.

"The SST will make and save full production jobs in the late 1970's and the 1980's," says William Magruder, former test pilot and Lockheed executive who now heads up the Department of Transportation's special SST division. "Our present poverty situation is aggravated because somebody failed to look ahead in the 1950's and 1960's. The SST looks ahead to jobs in the 1980's, and if we'll do more of that in industry today we'll have less poverty then."

The SST is still moving ahead in Seattle and elsewhere today, and employing thousands of workers who'll lose their jobs if Congress turns thumbs down on continued SST development.

The basic SST contracts between Boeing, GE and the government provide that the government will get its development investment back with the sale of the 300th Boeing SST. If 500 are sold—as expected—the government will directly profit $1.1 billion from its investment. Somebody has guesstimated that employment on the SST, if it goes ahead full steam, will net between $6 and $7 billion in income taxes. How they do this arithmetic I don't know, but anyone would agree that the tax revenues from the billions of aerospace income from SST's would be plenty.

One SST will cost an airline about $52 million at 1978 prices, compared to $24 million for a Boeing 747 today and more in 1978. Sale of 500 SST's would involve a gross initial cost of $26 billion to the airlines.* Overseas routes for 500 in the 1980's have already been projected, which explains how the sponsors hit on the 500 figure.

Since commercial flight began, plane owners have consistently recaptured the cost of a new plane in five to six years.

The role of the airlines is ambiguous. As businesses, they'd rather use and wear out their present equipment than invest immediately in a new generation of passenger planes. If the world's airlines were one cartel, they'd probably quietly agree among themselves not to use any SST's for a long time, and let the aerospace industry worry about its own problems.

But the facts of life are that our antitrust laws forbid any such conspiracy here, while the foreign airlines hope to get the transoceanic business with Concordes if they can.

Conceding that a good SST would be the superior competitive plane, our airlines don't dare stay with 747's once BOAC, Air France, *et al.*, or their own American rivals, are offering 1,350 mph flights over the seas. You *can* stick with the Model T, but only if your competitors don't go you one better.

So our overseas airlines are going along on both sides of the SST fence, while worrying chiefly that they haven't yet paid for their 747's. They are reserving Concordes in order to be able to compete as soon as European lines are flying them, and reserving and investing in Boeing's too. Ten airlines have put up $60 million for Boeing development, which may be credited to future purchases. Twenty-six of them have deposited $22.4 million as down payments to reserve 122 Boeing SST's when and if they are produced on schedule.

In official expressions, recognizing the facts of life, airline presidents have said they are for the Boeing SST and want to be sure it's a good one.

This about sums up the factual situation that foreign competition makes SST's a dead certainty, and our debate is really about whether we should willfully deprive ourselves of the business. It's the story of the small fighter plane all over again. We didn't prevent little nations from buying combat planes when we refused to sell them, we just sent the business to France.

This does not dispose of various objections dealing with air pollution, noise pollution, and various claimed damaging effects in the upper atmosphere—from destroying the ozone shield to altering the climate.

These objections have a high emotional content, and some of them a fear content. It is extremely difficult to find a factual basis for them except for some truths that are out of proportion to their conclusions. Several of them are of this sort: "Arsenic is poison. There is arsenic in sea water. So sea water will give you arsenic poisoning."

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*For simplicity, we pretend that the airlines buy the planes themselves. Actually, they are sometimes financed by pools of large investors and rented to the airlines.

It will not, because the volume of water you'd have to drink would kill you first.

Predictions that SST's would alter the climate claim that the moisture left in vapor trails at 65,000 feet would remain there and accumulate a cloud level over the earth in time. There are no known facts to support such a prediction. SST's can hardly ever produce vapor trails when cruising at 65,000 feet. One severe thunderstorm can deposit as much water in the stratosphere as 400 SST's flying four transoceanic flights, and there have been up to 6,000 thunderstorms a day for untold millions of years.

By the same token, there is no basis in known fact for the allegation that water deposited at high altitudes by SST's could destroy the ozone layer, which acts as a shield to keep out damaging ultra-violet rays from the sun. Again, the insignificance of SST water contributions to the total vastness of the atmosphere allows no such prediction. The problem has been carefully studied. In the absence of any evidence supporting such allegations the studies continue, however, since the subject is not a trivial one even if the supporting evidence for the charges is lacking.

Since amateurs are sounding off on these subjects every day, the public is at least entitled to access to the following expert opinion released by the Department of Transportation:

"Two scientific groups—The National Research Council of the National Academy of Sciences, and the Office of Meteorological Research—have studied the situation and report that there will be no appreciable disturbance of the earth's normal atmospheric balance by a fleet of SST's making 1,600 flights per day."

How about ordinary pollution by smoke, hydrocarbons and other exhaust pollutants? Jet engines don't pollute as much as internal combustion engines. The latest jet engines have smokeless burners that reduce emissions for ground operations by 70% for smoke particles and by 45% for smog ingredients. The SST's will have better pollution control equipment, since the latest in pollution-control design will be engineered into them from the start.

A Boeing SST fully loaded, going at top speed, will be the polluting equivalent of three cars doing 60 mph. If the maximum of 500 planned Boeings were all flying at once, they'd pollute the world's atmosphere about as much as the next 1,500 cars to pass on your nearest thruway, and far less than the more numerous slower planes they'd replace.

Present Boeing design suggests that one Boeing SST will make a little more sideline noise on runways and takeoff than a 707 or 747. Boeing engineers are betting that with eight years to work on it their intensive research into noise control will make the SST as "quiet" as (ie: no more noisy than) any other jetliner. But the present design is noisier.

SST's should relieve airport and airways congestion. They'll fly far above the presently-used air lanes, and, like the 747, permit more passengers to be moved on fewer flights. Such haul capacity may become absolutely necessary the way public air travel keeps growing.

But both the pros and cons of these sidelight issues are not part of the essential case for the SST. The economic meaning of the big ships to 4 million Americans and our total economy is the big case for the SST.

PREDATOR CONTROL PROGRAMS

Mr. NELSON. Mr. President, I submit for the RECORD two excellent articles written by Michael Frome, the conservation editor of Field & Stream.

Mr. Frome is one of the country's most distinguished environmental writers, both knowledgeable and highly respected in his field.

The first is an article entitled "Predators, Prejudice, and Politics," published in the December 1967 issue of Field & Stream. The article examines Federal "predator control" programs of trapping, shooting, and poisoning certain species of animals.

It reaches one overwhelming conclusion: that these activities "have reduced some of the rarest, most beautiful, and superbly adapted species of our wildlife heritage to the brink of extinction."

The second piece is a speech entitled "Elimination of Herbicides and Pesticides To Protect Biotic Diversity," which Mr. Frome delivered at the annual meeting of the Society of American Foresters in Las Vegas, Nev., on October 14 of this year. The speech deals with the direct or indirect biological engineering through which man is steadily eliminating species of plants and animals in many areas for his own shortsighted purposes.

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

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

PREDATORS, PREJUDICE, AND POLITICS

(By Mike Frome)

The tragic fiasco of Federal predator control as we know it today began half a century ago, during World War I. At first it was a means of eradicating wolves in order to save beef for our troops and allies. Then the sheepmen enlisted the Government in a program to kill coyotes in their behalf. Wars have come and gone, but we have been stuck with predator control programs ever since.

Now the Government has admitted that the principles and practices in predator control are wrong, a needless annihilation of millions of animals, a waste of money, a political boondoggle. The Secretary of the Interior has acknowledged a fifty-year blunder by an agency of his Department. This he did by accepting with praise a report of his Advisory Board on Wildlife Management, a document which constitutes a penetrating criticism of past performance, and by directing major reforms, overhaul, and a new approach for the future.

It is now three years since Secretary Stewart L. Udall received the historic Leopold Report, so named for Dr. A. Starker Leopold, the distinguished wildlife biologist who served as chairman of the Advisory Board. It is two years since Secretary Udall ordered the old Branch of Predator and Rodent Control (PARC) to be renamed the Division of Wildlife Services and to have its functions recast. But is it that simple? Can deepset prejudices be reversed, and political opposition overcome by an executive order? If we have been damaging the natural resource for half a century and longer, can we stop overnight—or will it take another half century?

I have been pondering these questions and asking them of scientists, sportsmen, stockmen, state fish and game directors, and Federal officials, and have covered the range of interested organizations from Defenders of Wildlife to the National Woolgrowers Association. Above all, one conclusion stands out:

Indiscriminate trapping, shooting, and poisoning have reduced some of the rarest, most beautiful, and superbly adapted species of our wildlife heritage to the brink of extinction, although they constitute a resource that could be enjoyed and harvested by sportsmen under good management practices. The war on predators has been waged with little scientific knowledge of their beneficial roles in the biotic community, with little moral or ethical consideration for man's responsibility in conserving natural life as an integral part of the environment.

Predator control is often seen as an issue stirring emotion and controversy. It should be. The true wolf is virtually gone except in Alaska, on Isle Royale National Park, Michigan, and in Superior National Forest, Minnesota. The puma, the mysterious big cat known variously as panther, cougar, and mountain lion, once found in every state except Alaska and Hawaii, and the grizzly bear are so rare they require nearly complete protection in national parks, national forests, to demand control. Yet there is no one to deny that the sight of a grizzly conjures the image of daring and primitive times, that a coyote's song lends excitement and a dimension of natural truth to a still desert evening, that the bobcat does more good in killing rodents than harm in killing a few game birds.

Poisoning, in particular, whether by accident or deliberate design, has taken a heavy toll of many of the flesh-eating mammals called predators. The virtual disappearance of the black-footed ferret, now considered the rarest American mammal, must be credited to poison programs aimed at the eradication of prairie dogs and other rodents in the Great Plains and Rockies. The harmless, beautiful kit fox and ringtail cat may be nearing habitat, from poison baits set for the coyote.

If one decides place blame for this unfortunate travesty, there is plenty of blame to go around. "Federal predator control is perpetuated by misguided ranchers and Congressmen," William A. Towell, executive vice president of the American Forestry Association, declared three years ago when he was director of the Missouri Conservation Department and setting a pace for the nation in enlightened wildlife management. Mr. Towell was right, as far as his statement went. The sheepmen and the legislators they influence are responsible, but only partly so.

Some Federal officials themselves have been zealous in perpetuating the bureaucracy. It is much easier to start a program at taxpayers' expense than to end one. For example, the oldtime Government trappers, according to Paul Maxwell, of Grand Junction, Colorado, who was one of them, would ask their superiors, "Why carry on a campaign against the bobcat when it is a proven fact they never kill lambs?" "We know that," the supervisors would reply, "but don't tell the sheepman. Keep him thinking the bobcat is as much a killer of lambs as any other predator."

There are still other forces. Many Federal programs start when states hope they can get something for nothing. The states have the legal right over resident wildlife, yet they relinquish too willingly the right over predators, on the grounds they are non-game species, to the Federal Government. Further, some of the state legislatures throw good money after bad on control, either by contributing so-called "cooperative funds" to the Federal agency or by running programs of their own, or doing both, often against the best advice of their state game directors, who regard wholesale predator control as a poor wildlife management practice.

Basically, the blame lies deep in the national conscience. Since pioneer days, agricultural and sports thinking has been aimed at extermination of all competitors—the "varmints," the grizzly, timber wolf, cougar, golden eagle, bald eagle, fox, hawk, owl, badger, mink, various snakes, and the alligator. Consequently, the Federal programs were conceived in the dark ages of management, at a time when life-history studies of wild animals in their environment and in man's were first dawning. It was an age when the bounty was in flower, a terribly fraudulent, wasteful system, biologically unsound,

ineffective, costly and corruptible, an instrument of getting money from the state house into the counties, a system which lingers to this day out of biological illiteracy and political expediency.

It was normal in those days for sportsmen and naturalists to assume that the meat-eating mammals were the main cause of certain seasonal and cyclical variations in the numbers of animals which man may have wanted for his own enjoyment and profit. The key to successful game management was thought to be elimination of the species which preyed on the game. Thus, Theodore Roosevelt, the hunter, conservationist, and President, understandably described a cougar treed at the rim of the Grand Canyon as "a big horse-killing cat, the destroyer of the deer, the lord of stealthy murder, facing his doom with a heart both craven and cruel." Such thinking led to establishment in 1906 of the Kaibab Plateau, on the north rim of the Canyon, as a national game preserve. It was an area that had been inhabited for centuries by a herd of some 4,000 deer, together with a thrifty herd of mountain lions. When the preserve was established, however, deer shooting was terminated and Government hunters were ordered to clean out the predators. Within twenty-five years, the kill was reported at 781 mountain lions, 30 wolves, 4,889 coyotes, plus an untallied number of eagles.

The deer numbers grew, as expected. By 1924, the total herd had reached 100,000. Then came the inevitable and unexpected: deer perished by the thousands, while the survivors ate every available leaf and twig, destroying almost 90 percent of the range. Though hunting was resumed and a thousand animals taken annually, the numbers still declined. By 1930, there were 20,000 deer left, by 1940 only 10,000. It was a tragic, costly mistake repeated in parks and forests all over the West.

In Yellowstone, with cougar and wolf eliminated, the coyote reduced, and ancient winter migration routes cut off by human settlements, thousands of elk, following *their* population explosion, starved and reduced the range to a point from which it will still take decades to recover. The lessons learned were simple and direct: A given range will support only a certain number of animals, whether game or domestic. Predators take only small numbers from the animals they prey upon and are probably essential to maintenance of a healthy, virile population.

These lessons are emphasized in a study of recent years conducted at Isle Royale National Park under the leadership of Dr. Durward Allen. The moose had reached that remote island in Lake Superior early in the century and by the mid-thirties had increased to between 1,000 and 3,000. The food supply dwindled rapidly, the moose depleated the browse (as the deer had at Kaibab), and many died. The cycle repeated itself a few years later. Then, in the winter of 1949, a band of timber wolves crossed the 15-mile icy stretch from Canada, opening a new era. Dr. Allen and his associates observed that the wolves claimed the old, the diseased, the heavily parasitized, and the weak young among the moose, hardly ever those between the ages of one and six. As a result of natural selection, the closely cropped herd of 600 today is healthy, among the most productive on the continent, bearing a high proportion of twin calves. The wolves, moose, and browse have achieved a balance.

Isle Royale may be isolated, but most principles learned there apply to predator-prey relationships all over the world. Hunting plays an important role by helping to remove excess population but, unlike natural predation, hunting does not necessarily select the weak unhealthy specimens. When the predatory population is excluded from a natural community the weaker members remain, weakening future generations of the species. But natural predation keeps the old and weak individuals to a minimum, benefitting the hunter as well as the herd.

"Predation maintains qualities of wildness in game species that we admire," as William Towell puts it. "Domestic animals have lost the art of protection developed in the wild. Fleetness, grace, alertness and deception give the hunter a feeling of challenge and pride not found in killing a chicken or a cow. The animals that have these qualities are the products of centuries in their struggle of survival from predation."

Despite the laws of modern wildlife biology and management, Federal predator control has been a going thing for more years than we like to remember. The total kill in a year's time is almost 200,000 animals, half of them coyotes. The remainder are lesser numbers of lynx and bobcat, bear, mountain lion, wolves, plus thousands more of badger, fox, opossum, porcupine, raccoon, skunk, and others.

Most of the Fish and Wildlife Service in the Department of the Interior is concerned with protection, perpetuation, or management of birds and animals. But one branch, PARC, has made its way by following the paradoxical course of extermination and by providing a special service to a commodity-producing, profit-making industry.

After fifty years, livestock growers have come to expect total protection, as a substitute for their own effort. Predators *do* cause damage; those of us who prefer natural ways have no more right to deny that individual cougars, coyotes, and bears kill sheep, and occasionally calves, than stockmen have the right to accuse the entire species. Where economic liability is clearly demonstrated, the owner is justified in protecting his interests. Where problems are acute, Government advisory service is reasonable. But we now have the major responsibility assumed by tax-supported agencies, serving a privileged segment of the public, rather than the entire public. In many areas, special levies are assessed against livestock on a per-head basis. But these rarely cover 25 percent of the cost. The rest comes from county, state, and Federal funds, and much of it is paid by sportsmen.

The bulk of these activities are centered on the national forests and public lands of the West. Not only has there been an abrogation of responsibility in diverting public funds to serve a special interest, but that interest, the sheep industry, has caused more damage to the land through the years than any other force. Overgrazing, first at lower elevations, now on alpine meadows, has ruined millions of acres, removing plant cover, disrupting animal communities, and devastating the watershed.

The statement is often made by the cracker barrel and barbershop experts that predation, not the starved-out range, makes sheep raising impossible. But Durward Allen points out that "overgrazing sets vegetation back to early stages of succession, and hence ground squirrels, pocket gophers, woodrats, hares and rabbits are most plentiful on misused land. Likewise, more of such prey species may well contribute to coyote abundance." Or, as Dr. Rayman Dasmann writes, "Monoculture over broad areas favors irruption of pests, as does any land use which greatly simplifies natural communities. For some of the more serious pests, such as ground squirrels and jackrabbits, habitat destruction often means simply protection of the land from overgrazing. A first step in any control is thus good land management." And good land management is a way of life which sheepmen, as a class, are just beginning to appreciate and accept.

One could take this a step further in an ethical review of history. We should recall that wolves were forced to prey on domestic stock by the elimination of large animals like the bison. Nevertheless, the mountains could have provided a refuge if grazing had not become such big business. Should wolves, coyotes, and cougars be destroyed on public land so sheep may graze safely and the sheepman, a guest on the land, profit thereby?

Or to put it another way, had cougars remained to concentrate on their favorite prey, deer and elk, they would have left a part of the carcass for coyotes, bobcats, bears and other meat-eating scavengers. These leftovers might have eliminated, or at least reduced, their need to make fresh kills in the barnyard. Or, to quote A. D. Coleman, of the Colorado Fish and Game Department, "Trapping and poisoning of the so-called predators for monetary gain, whether bounties to individuals or appropriations for officials, has been a racket for many years. With carnivores like bobcats, coyotes, foxes, and badgers killed off, rodent populations flourish and multiply, ruining untold acres of grasslands. This results in larger rodent and grasshopper poisoning programs, and appropriations of more millions to control these real pests."

Predator control agents have been able to utilize a wide variety of weapons. They have dispatched the enemy with both sophisticated and guerrilla warfare: shooting from planes; hunting and gassing dens; actual physical strangulation (sometimes called "gopher choking"); chasing down the quarry with cars and dogs; setting steel traps (which the Leopold Report called one of the most damaging techniques since many animals besides the offender are likely to take the bait); setting cyanide guns, or "coyote getters," which shoot poison into a predator's mouth (or any other mouth, including a human's) when he touches a bait, and scattering suet pellets impregnated with strychnine over the countryside like wheat seed.

Poison has long been a special favorite. Strychnine, the old reliable, was first used in the 1850's, when fur hunters turned to wolves and coyotes after decimating the beaver resource. A special trick in modern control is to inject strychnine into hens' eggs to catch coyotes and sometimes, by mistake, raccoons. Then came thallium, a highly toxic material developed by the Germans during World War I, guaranteeing a slow, agonizing death. For twenty years it was the main instrument in the arsenal of chemical warfare against predators. The death toll rose; there may have been carelessness in control techniques, as biologists charged, but field men were eager to make their quotas and to qualify for the elite "200 Clubs," reserved for those who could claim 200 coyotes to their credit.

The pinnacle of refinement, Compound 1080, sodium fluoracetate, was developed during World War II when red squill, or rat poison, was hard to get. It is tasteless, odorless, colorless, particularly lethal to members of the canine family; but man, too, is highly susceptible and it has caused human deaths—there is no known antidote.

The sequence in employing 1080 against coyotes is as follows: first, the compound is dissolved in water and injected into a freshly killed horse, and is carried by the still-active blood system through the entire carcass. Then, large chunks are placed at likely "stations" in the wilds during the late fall, presumably to be picked up in the spring, unless picked up earlier by the intended victim. The animal may go as far as 10 miles before dying. Any other which feeds at the dead carcass also becomes poisoned; it affects as many as five or more animals in a continuous chain reaction, including game species in its toll. In this manner, predator control strikes not only its own target but the resource which sportsmen seek to conserve.

"Far more animals are being killed than would be required for effective protection of livestock, agricultural crops, wildland resources, and human welfare," the Leopold Report declared. "Control has developed into a semi-autonomous bureaucracy whose function in many localities bears scant relation-

ship to real need and still less to scientific management."

This was no instant revelation. "I found out while writing my book," J. Frank Dobie, scholarly Texan and biographer of the coyote, warned years ago, "that the hierarchy of 'Control' care nothing at all except to keep killing and to keep increasing their jobs." Equally blunt are the words of Dean Coleman of Colorado: "In the wake of Compound 1080's dramatic discovery has followed widespread tragedy to wildlife, and almost unbelievable official incompetency, complacency, and concealment."

Now we have the "new look" in control. But how good is it? On the face of things, changes have been made for the better. The director of the new Division of Wildlife Services, Jack Berryman, is a respected biologist with a background of conservation activity in Utah, and a tough row to hoe in Washington. When the Interior Department endeavored to reduce the expenditure on control, the sheepmen's lobby in Congress restored it. When a regulation was announced calling for a written justification wherever it becomes necessary to take a bear or lion threatening livestock, an uproar of objection erupted among sheepmen and politicians in Colorado, Utah, Wyoming, and New Mexico.

Nevertheless, advances are evident. Berryman has begun a program to reeducate the field men. He has demoted some die-hard personnel and fired others for continuing the indiscriminate control practices and for promoting their services to state, county, and stockmen's associations. He has hired college-trained biologists for work in Washington and in the field. In trying to shift the agency's base of activity from predator control to wildlife in general, he has taken on new responsibilities for habitat enhancement on Indian lands and military reservations, and participates in surface mining studies and pesticide surveillance. These programs are promising and deserve encouragement.

The zone of activity of predator control is shrinking. As Berryman told me, "We keep retreating because of human hazard and increased human activity." In each state, a work plan is now developed annually, based on land zoning and management plans of local, state, and Federal resource agencies. Such procedure was never required before. Now, through cooperative agreements, National Forest supervisors and BLM district managers are responsible for decisions as to areas of control or no control, with Wildlife Service responsible for providing the technical means.

The program, according to a recent statement of policy issued by the Bureau of Sport Fisheries and Wildlife, will be directed "to insure the maintenance of the varied wildlife and wildlife habitats of the United States." It will endeavor "to reduce animal depredations as selectively as possible, and to direct control at the depredating individual or local depredating population . . . when and where there is a demonstrated need." Above all, "Ecological principles must guide those situations where animal numbers must be regulated or managed."

Unfortunately, the word is easier than the need; there is no simple, sure way of reshaping an old line agency in which concepts of "good" and "bad" animals are deep-rooted, and extermination of the latter was its main reason for being.

For example, according to James T. McBroom, Assistant Director of the Bureau of Sport Fisheries and Wildlife, "It is a fact that coyotes kill sheep—sometimes more than they can eat. This is the nature of the animal." Unquestionably this is the nature of certain coyotes in certain circumstances; there are coyote outlaws as there are human outlaws. But by failing to recognize variations, Mr. McBroom perpetuates the ancient indictment of an entire species.

The same philosophy is found in the field, where the work is done. At a hotel in Portland, Oregon, a promotional display selling the Division activities to the public showed a bobcat attacking a turkey; a coyote gloating over a dead calf; a badger eating birds' eggs, and a farmer terror-stricken by a rabid fox. For an agency presumably concerned with spreading ecological enlightment this was a horror show.

What might have been shown?

Perhaps a healthy calf, with its mother nearby, having little or nothing to fear from coyotes. Most cattle ranchers, in fact, forbid predator hunters to operate with poison on their ranges; they want the coyotes left alone to clean up carrion, and prevent overabundance of rodents and rabbits that compete with stock for forage.

Perhaps the bobcat, timid and inoffensive as far as man is concerned, controlling gophers and mice, while the poultryman takes precautions in his physical setup to prevent intrusion from semi-wild dogs and cats, as well as wild predators.

The badger could be depicted by its new Federal champions as an interesting and harmless creature, not only feeding on rodents but aiding soil formation by its burrowing. And the odds of a human catching rabies from foxes could be shown as one in a million, with insects, domestic and semi-domestic animals far more potent transmitters of the disease.

Above all, if the Federal Government is truly determined to set an example in proper management, in behalf of all the public, there should be no apology for the existence of predators in this civilized age. Nor of predation. We are all, in some sense, predators, from the pitcher plant feeding on insects, the lark devouring grasshoppers, the bass swallowing minnows, up to the higher mammals and man himself. Predation is an essential instrument in the harmonics of all living things; even more, predation is a beneficial instrument, a management tool, as man has learned by using predation of sport fishing and sport hunting to harvest surpluses and thus to improve the species in the process.

The Federal agency is much too committed to the principle of mechanical control. "We live in a synthetic environment, modified by the most complex civilization in the history of man," according to Jack Berryman. Therefore, he downgrades the balance of nature on the grounds that there is nothing left of the original balance. However, even before man touched America there was no status quo, or real balance, considering the effect of glacial ages, causing vegetation shifts and forcing animal species to adapt to new environments. "Balance" fluctuates as conditions of climate, soil, water, and other factors change their influences.

In its statement of policy, the Bureau of Sport Fisheries and Wildlife pledged to conduct studies in "animal ecology and life history biology, seeking alternate methods of control." But the reliance on poison continues and the research seems directed toward devising a better coyote-getter and coyote birth control chemicals, rather than toward habitat management or securing the place of all animals in the total fauna.

There is still, after all, the old urge to furnish a special service to a special-user group. So Bureau officials speak of the national parks as "reservoirs of predation," requiring extra control measures around their borders, instead of as laboratories of predator-prey relationships deserving buffer zones where predators are not subject to systematic control. The pity is that the National Park Service lacks the courage to stress enhancement of ecosystems with wide-scale reintroduction of predators into their native habitats. The kit fox should be restored and protected in the Redlands National Monument. The wolf and mountain lion should be restored in fitting numbers to Yellowstone and Glacier, vast areas buffered by surrounding National Forests. Certainly both these fascinating animals are needed to play their roles in management of the overstocked Yellowstone elk herd.

But officials and agencies are inclined to move slowly, rarely with daring. Reforms in predator control have come as the result of public pressure, rather than official initiative. That Forest Service and BLM land managers now have the authority to approve or reject proposed poison campaigns is not in itself impressive, considering that for years many of them, with notable exceptions, have abdicated their responsibility for wildlife habitat by accepting these campaigns. How they exercise their authority in the future is another question. Will they challenge each proposed bait station or trap until the need is clearly and fully demonstrated? Will they think of the short-range interest of the commodity user or long-range values of predator management and recreational potential?

In the Pacific Northwest today, both the BLM and the Forest Service have accepted widespread use of 1080 in timber country in order to kill mice, squirrels, and chipmunks that feed on seeds. This is the easy way. One land manager I know, however, has banned poison on his district; he prefers more predators—not only to control rodents but to help harvest the surplus deer that browse and destroy young trees.

The Forest Service has cooperated with the states of Oregon, Idaho, Montana, Wisconsin, and Michigan in reintroducing the fisher, a weasel-like animal as large as a fox, decimated years ago by the fur hunters. It did so to provide a natural predator on the tree-girdling porcupine (though other reasons should have been present). Since most foresters consider the porcupine a major pest, the cougar's role should not be underestimated, since in many areas the porky ranks second to deer in that animal's food supply. It is perfectly true that the cougar is capable of inflicting serious damage on a band of sheep, but predation is usually confined to individuals, not the species. Even so, where sheep are grazed on public lands that are prime cougar habitat, in the name of multiple use and public interest should the cougar or the sheep be moved?

It is obvious that the nation needs both a new definition and a new evaluation of predation. We need to tear loose from the past with all its prejudice and seek a new yardstick. There is no doubt that the taxpayer has spent far more for predator control than he has received in economic benefit, but this isn't the point. We must measure benefits in terms of recreation, natural beauty, human integrity, and responsibility to resources of the American earth.

The sheepmen are incredibly ill informed and backward on this question. They grasp at any straw to hold back the great movement toward morality. "As ranchers and farmers, we are basically conservationists, custodians of the land," James L. Powell, of San Angelo, Texas, a vice president of the National Woolgrowers Association, said to me in offering an explanation of why predators should be controlled. "Therefore we must see to it that wildlife doesn't overpopulate." I venture that some sheepmen haven't the foggiest notion of the fundamentals of animal behaviour, though they have lived in the company of animals all their lives.

When Dr. Stanley A. Cain, one of this countrys' foremost ecologists, now Assistant Secretary of Interior, and previously a member of the Leopold Board, appeared before the last convention of the Woolgrowers, he declared that "the livestock industry, with few exceptions, has not seen fit to invest in research and development." For his troubles he was greeted by a spokesman for the diehards, who said, to much cheering, that he

would like to put a rope around Dr. Cain's neck and string him up.

But the fact is that neither the sheepmen, the Division of Wildlife Services, nor anybody else knows how many sheep are killed by predators, or what the cost-ratio of control may be. The best available figures on predator losses are maintained by the Forest Service in its annual grazing statistical report. But Dr. D. I. Rasmussen, director of the Forest Service's Division of Wildlife Management, admits, "It is a poor report at best, based on information from herders and owners, as well as observations of the rangers themselves. We need more objectivity."

No one can deny that lambs are taken by individual coyotes, mountain lions, and bears. However, it is sometimes difficult to tell the difference between a dog kill and a coyote kill. Coyotes are scavengers and will eat a stillborn animal or an after-birth. Lamb losses occur from weather, disease, inadequate forage, a variety of causes; all of these are apt to be blamed on the sheepman's hated enemy, the predator.

But even sheepmen, or at least the more progressive and practical of their number, are capable of opening their minds to new ideas. They must realize that the politics of conservation are against them, that they are no longer alone on the public lands, that the day of enlightened management will dawn with or without them. As a result, the National Woolgrowers Association, despite the reception given Dr. Cain, supported its leadership and adopted resolutions favoring better research into predator-prey relationships. Even more, the Woolgrowers, who for years have been clamoring for the death of every eagle, entered into an agreement with the National Audubon Society, the defender of eagles, and the Bureau of Sport Fisheries and Wildlife for a joint $28,000 study into the movements and variations of eagle population and the lamb and kid losses resulting from their predation. The object of the study is to provide a scientific basis for whatever controls may be necessary. And there are sheepmen who would like to extend this cooperation into other areas. Who can tell, they may even take the next step and recognize the value of stability on the grazing range, where habits of wild animals can be predicted.

The states contributing to Federal predator control, for one political reason or another, could insist that their money also be applied for research instead of poisons. South Dakota gives $121,000, Oregon $40,000, Nevada $40,000, Idaho $25,00 (with a stipulation that none of it be used for 1080), and so on—good money that could hire biologists to improve wildlife habitat. Now, the states make cooperative grants to the Federal Government for predator control, but perhaps it would be more logical to reverse the procedure, considering that the states have responsibility for jurisdiction over all resident, nonmigratory indigenous wildlife.

The Federal Government should restrict itself to furnish advice and leadership. This approach is provided in a bill presented to Congress last year by Representative John Dingell, of Michigan, which would declare a national policy recognizing the wolf, coyote, mountain lion, lynx, bobcat, bear, and other large carnivores known as predators to be among "the wildlife resources of interest and value to the people of the United States." It would establish in each regional office of the Bureau of Sport Fisheries and Wildlife a position of "extension mammal-control agent" to provide advice and demonstrations to state-employed specialists in methods of instructing farmers and ranchers on how to prevent depredations.

The Dingell Bill is patterned after a system used in Missouri for twenty years with undeniable success. It began after the state had tried the Federal trapper approach. During that period Missouri learned the best results came from trappers responding to requests of farmers with specific problems. These men were able to halt damage by catching the individual coyotes and other predators that were guilty of killing livestock. Losses over the years have declined dramatically; there are no longer loud complaints from any corner of the state. Farmers without damage do not waste their time chasing down imaginary or harmless predators. The system operates with one full-time control agent, a trapper and teacher, not a poisoner, who responds to requests from landowners for training assistance in eliminating guilty individuals. It is an efficient, economical system.

Most important, the Missouri Wildlife Code makes no distinction between predators and other forms of wildlife: the word predator is not mentioned. Control is conceived as a part of management to help the landowner solve his own problems through sound conservation practices. Publications and films explain predation as a necessary, beneficial part of life. The Federal Government has no documents like these.

The nation has a long way to go toward developing sound management of its predator resource. Research will provide a step in the right direction. Acceptance of the Missouri System by other states and a prohibition by law against the use of poisons with chain-reaction effects would be other positive steps. Placing sport hunting and trapping of predators on a sustained-yield basis could be a highly desirable form of resource use, certainly to be preferred over wholesale killing by professional hunters and waste of usable fur.

There is no single rule in predator control. As Dr. Durward Allen writes, "The answer is sometimes (locally and temporarily) yes, but more often (and in the long pull) no." The soundest rule will be written, of course, when the nation achieves a mature ethical, moral, and scientific evaluation of the predator's rightful role in its wildlife heritage.

ELIMINATION OF HERBICIDES AND PESTICIDES TO PROTECT BIOTIC DIVERSITY

(By Michael Frome)

The conservationist's essential cause is the protection and perpetuation of life, not simply his own life in its brief, transient human form, but the cause of life everywhere, in all its forms. His concern is for the interwoven life-environment of land, water and sky, embracing both the material, tangible essence and the intangible cosmic, or spiritual unity.

The idea may appear misplaced in this hectic age when death is commonplace—death on the battlefields, in the cities, on the highways, and in the conquest of nature. I will admit that life-love is an old fashioned idea, or at least an old one. It goes back to the pre-Confucian Chinese who described a society wherein "not only a man's family is his family but all men are his family and all the earth's children his children." And to the Psalmist who spoke of God: "For every beast of the forest is mine, and the cattle upon a thousand hills. I know all the fowls of the mountains: and the wild beasts of the field are mine."

Of all the forest technologists I know, very few at most either grasp or accept this meaning of life-love. They consider themselves to be very practical people; they appreciate the "realities" of economics and politics. They either tolerate or deride the conservationist as an idealist or a pantheist or a do-gooder who doesn't understand how to get things done. But exactly what is it that must be done?

According to an official of the Weyerhaeuser Company, Royce Cornelius, speaking at a forum on forestry education, the obvious function forest resource management graduates will fulfill in industry is to keep the wood basket filled and at the same time to be cost-conscious and to return a profit. "Time is money in industrial forestry," Mr. Cornelius declares. "To be competitive, every forest acre must be working to its capacity in producing wood fiber."

That may have been acceptable practice for yesterday, but it must be modified for tomorrow. If the United States is to endure and prosper as a nation, all land policy must henceforth be based on the foundation of environmental respect. The goals must be to provide a continuing supply of clean air, clear water, stable soil, natural beauty and open space, including wilderness. The only alternative will be the continuing decline in natural resources, national morale, and ultimate collapse. Thus we need to break with the past when land values were determined in narrow economic terms. We need to shape a new responsibility and respect for the total land resource.

This resource includes insects and weeds, the notorious pests, the unwanted in the practical world of people who get things done. It's amazing how little we understand or appreciate these life-forms. Many insects which we destroy indiscriminately are regarded in more frugal countries to be good food. Not all insects are dirty either; some, in fact, are cleaner than the residues of insect killers which farmers spread on their vegetables. By the same token, many plants we shun as "weeds" yield wholesome, palatable and edible fruits, nuts, leaves, stems, roots and seeds to those who care.

Without weeds, erosion and flooding would be rampant. George Washington Carver found a weed was something good, whose usefulness man had not been smart enough to discover. The potato was once thought of as useless, and the tomato as poisonous. When a soil loses fertility we pour on fertilizer, or at least alter its tame flora and fauna, without considering that its wild flora and fauna, which built the soil to begin with, may likewise be important to its maintenance. Some years ago it was discovered that good tobacco crops depend, for some unknown reason, on the preconditioning of the soil by wild ragweed. The same may apply on a broader front, for all we know. Moreover, I think of the beautiful weedy hillsides and swamps, the views of black-eyed susans, white daisies, arbutus and trillium, the wonder in the field of blooming dandelions, a weed if ever there was one.

Every effort is being made to eradicate such creatures from the agricultural scene. Farming has moved from a family way-of-life to a factory-in-the-field, based on large machinery, fertilizers and intensive monoculture, the source of profits to investors and industrial syndicates far from the land. Monoculture on the one-crop farm, or one-crop anything, favors the irruption of pests, as does any land use which greatly simplifies the ecosystem. Insect pests that result from the monoculture are becoming more of a problem every year. More toxic materials must consequently be used to cope with blights and plagues. The nitrogen cycle is broken and soils lose their nitrogen-fixing bacteria. The land mechanism becomes like the dope addict who needs his shot to function at all. Industrialization of agriculture is speeding up the biological functions of the life-community to the point where it cannot maintain a healthy environment for the growing plant.

All of this is done with sanction and encouragement from the Department of Agriculture, which is certainly no model of ecological responsibility. Despite its continuous insistence that chemical poisons are necessary to food production, individuals and local organizations all over the country are demonstrating this is not the case. One example is the 107-acre farm in Miami County, Kansas, managed by Dr. E. Raymond

Hall, the noted biologist of the University of Kansas, growing a full quota of corn, milo, soybeans and wheat, untouched by poisons, and with weeds controlled by the simple device called cultivation. The system produces more bushels per acre and more total bushels than the farms around it. "Furthermore," advises Dr. Hall, "under this system the fish in the creek grow big and do not die prematurely because of residues of pesticides that already have stilled the spring voices of five bird species in the woodland on and around the land that I manage."

As for our forests, plantations are now producing one-log or two-log trees on soil which originally grew three-log and four-log trees. The cause lies not in the tree, but in the micro-flora of the soil, which takes far more years to restore than to destroy. An acre of healthy soil is densely populated with millions of insects and tiny animals, diligent architects and engineers sifting air and water, returning valuable nutrients to build the soil in support of higher life-forms and transferring energy along the food chain. Insects and animals benefit plants by carrying pollen. Wherever insects are abundant, other insects come to eat them. An abundance of insects produces an abundance of birds, a fact generously ignored or unknown in the widespread dispensation of chemical poisons.

The conservationist recognizes the mechanism in the "pyramid of numbers," that is, a very great number of very tiny organisms at the base, supporting a slightly smaller number of still larger ones, and so forth, with each level depending on the one below it. The tragedy, to paraphrase Dr.. Howard Ensign Evans, of Harvard, is that "practical" members of the human society at the top of the pyramid have difficulties understanding the creatures on the bottom, though without them the whole edifice would come tumbling. To state it another way, they have not learned that economic parts of the biotic clock will not function without the uneconomic parts.

"Forest entomologists have directed a major portion of their time and talents to finding ways to put the insects down." So declared the Chief of the Forest Insect Research Branch of the Forest Service at the meeting of the Society of American Foresters in 1969, as reported in the Journal of Forestry. He expressed his concern over both actual and what he called "threatened" losses from insects and lamented criticism of large scale aerial spraying of DDT and other hard pesticides.

"Most of us," he declared, "are familiar with successful uses of DDT and other synthetic chemicals" in controlling a long list of insects extending from spruce budworm and gypsy moth to white grubs and other pests in nursery beds. "In fact," William Waters continued, "there are very few forests insect pests for which no chemical control method has shown at least partial success."

Is that actually the case? The Forest Service, other federal agencies and private landowners have sprayed millions of acres, with the inevitable result. Poisoning the ecosystem removes our allies (birds and predacious insects). Since prey build up faster than predator, it becomes necessary to spray again and again. Insects that were never any bother are released from predation, become pests, and have to be controlled. Despite Mr. Waters' expression of pride and confidence, it appears our forests were beset in the last year with many new varieties of insect pests. In 1970 recommendations in Agricultural Handbook No. 331 lists 34 new insects not mentioned in the 1969 recommendations, and of these 34 new threats to our forests, the Forest Service recommends chlorinated hydrocarbons such as DDT as the controlling agent for 27.

Dr. Robert van den Bosch, Professor of Entomology at the University of California at Berkeley, writing in the April, 1970 issue of Environment Magazine, makes the following points: (1) There are now more insect species than ever before. (2) Over 200 of these pests have developed resistance to chemicals. (3) Costs of pest control have increased strikingly. (4) Pesticides have polluted the atmosphere. I challenge foresters and forest entomologists to disprove these assertions.

Pest organisms ordinarily have large populations—that, indeed, is why they are pests. "The large size of their population," writes Dr. Paul Ehrlich, of Stanford, "makes them much more likely to have the kind of reserve genetic variability which leads most easily to the development of resistant strains. Therefore, extermination of a pest by use of synthetic pesticides is unlikely—and in fact, virtually unknown. The usual picture is one in which the pesticide decimates the natural enemy of the pest, while the pest develops resistant strains. These problems of pesticides are just one example of a trend which has accompanied the expansion of the human population. The more we have manipulated our environment, the more we have been required to manipulate it. The earth has come largely under the control of a culture which sees man's proper role as dominating nature, rather than living in harmony with it. It is a culture which equates 'growth' and 'progress' and considers both as self-evidently desirable."

Now we may be facing the worst on our public lands. Either through the National Timber Supply Bill, the dominant use principle of the Public Land Law Review Commission, or the President's own directive on timber, receipts from timber sales are apt to be earmarked directly for single-use management. Under this circumstance, wildlife habitat will be sacrificed to speed timber growth. Food plants will be poisoned to remove them from competition with the so-called desirable, or most profitable, timber species. Game cover will be eliminated. If thickets are of inferior species they will get the "release" treatment. If thickets happen to be of a commercial timber species, they will be thinned to an even spacing and pruned. This would make easy shooting, but with food and cover eliminated there won't be much game to shoot at for long. This is called intensive, high-yield, dynamic, multiple-use management.

Item 6 of Section 6 of the Timber Supply Bill provides for using fertilizer to speed timber growth. The "most efficient" way to apply fertilizer to a forest is by broadcasting, probably from a converted bomber. Much of it will wash into streams where it will promote the growth of algae. Thus while the President has asked for a program for clean waters, Congress will consider authorization to foul up what little clean water we have left.

Chemical poison, of course, has been implicit in forest technology for quite some time. In fact, I considered tilting this talk, "Can Forest Technology Survive Without Poison?" On July 25, 1955, the Department of Agriculture announced the Forest Service was spraying 2¼ million acres of spruce-fir forest with DDT from planes at a cost of more than 2½ million dollars. The news release stated: "One pound of DDT mixed with one gallon of fuel oil is sprayed per acre. This light dosage will obtain a thorough kill of budworms, but the spray is not destructive to fish, birds, or wild or domestic animals."

The Forest Service had the chance to learn early and reverse course, for soon after there appeared in Nature Magazine an article by a scientifically trained observer, Vernon Bostick, describing the effects of such spraying in Carson National Forest of northern New Mexico. "The Forest Service claimed at 93 percent kill of budworms," he wrote. "Their success on other insects, except ants and bark beetles, seemed even higher. Every leaf of every plant on the forest floor seemed speckled with brown spots where the droplets of fuel had landed . . . It is hard to imagine such vast acreage so completely devoid of insect life. I found all larvae killed, from the tiniest midges to huge, three-inch-long willow-fly nymphs. It was a thorough job."

Mr. Bostick raised these questions, which one may raise anew with reference to such chemical poisoning: With no insects, what would become of insectivorous birds? Adult birds could migrate, but how could they raise their broods? And what of game birds—particularly since grouse and turkey populations seem to correlate with the abundance of forest insects?

He also raised the question of whether spraying for spruce budworm constitutes good forest management. Spruce budworm is a native forest insect. It has been with us as long as our forests. We still have forests and they are fairly productive. When conditions are favorable, insect populations tend to build up to epidemic proportions. This, of course, makes things favorable for their parasites and predators, and these also increase in number. The combination of reduced food supply—the direct result of over-population—and an increase in their enemies soon wipes out the epidemic and reduces the insect to normal numbers.

"The promiscuous use of DDT kills friend and foe alike. The budworms surviving the spraying (7 percent of an abnormally high population) are free to multiply, unhindered by their normal enemies. Heavier dosages will be needed," the author predicted, then concluded, "It would seem obvious that no agency can dump more than a thousand tons of DDT, and millions of gallons of fuel oil, from planes without creating havoc with the balance of nature."

Who prescribes the poisons being employed in forest technology?

"Most of the modern insecticides and herbicides are ecologically crude," writes Dr. van den Bosch. This largely stems from their having been synthesized by chemists at the behest of chemical company managers and salesmen. They know how to mix poisons, but have no appreciation of their impact. The salesman serves as diagnostician, therapist and pill dispenser, with aid from collaborators in the agricultural establishment. He analyzes the pest problems, recommends the chemicals to be used, and promotes their sales through advertising and merchandising techniques. He doesn't have to demonstrate his professional qualifications, nor is he licensed. Yet he meets ecological problems with deadly, disruptive chemicals.

Example: The Douglas, Arizona, Dispatch of February 13, 1970 reports that, "Weed control chemicals of value in this area will be discussed at a meeting at the Wilcox Veterans Club, Wednesday, February 18, 10 a.m. to noon. A buffet dinner will follow sponsored by the chemical companies. This is a joint effort between dealers in agricultural chemicals and the University of Arizona Cooperative Extension Service in Cochise County. Industry representatives will point out the merits of the chemicals they produce."

Example: A lone gypsy moth is trapped in Shenandoah National Park, Virginia. No egg masses are found. No female of the species. No other evidence of infestation. An urgent meeting is held at Park headquarters. Those present include park personnel, representatives of the U.S. Department of Agriculture, Virginia Department of Agriculture, and the state agriculture college. There is no ecologist present. The meeting is not publicized, yet there are two outsiders, salesmen for Union Carbide Company, manufacturers of a chemical poison called Sevin. Both Massachusetts and Connecticut long ago gave up trying to eradicate the gypsy moth. New Jersey does not recommend spraying for anything less than 500 egg masses per acre. Yet the Park Service acquiesces and surrenders its re-

sponsibility for management of a natural area. It then defends itself on the grounds Sevin is "an approved non-persistent pesticide." It does not reveal that Sevin is patently non-selective, that it kills beneficial insects, threatens birds and other wildlife, and of itself can kill birds. Sevin is extremely toxic to honeybees, the indispensable pollinators, with long-lived adverse effects upon the food chain. Although people should not be exposed to Sevin because it has caused a high incidence of birth defects and malformations in test animals, the Park Service approves spraying around the campgrounds of Shenandoah National Park

The people are being led astray. They are not being protected or represented. One may wonder whether the purchasers of these poisons are shooting in the dark, too. In 1968 the Pesticide Registration Division of the Department of Agriculture was criticized by the General Accounting Office for failure to initiate a single prosecution, despite evidence of repeated violations. In April, 1969, the director of this Division admitted at hearings in Madison, Wisconsin, that his agency registers pesticides mainly on the data supplied by chemical manufacturers without analytical checks of its own. On May 7 and May 24, 1969 the affairs of this agency were the subject of public hearings by a committee of Congress. I commend to your reading the report on "Deficiencies in Administration of Federal Insecticide, Fungicide, and Rodenticide Act," issued by the House Committee on Government Operations, dated November 3, 1969. It tells a shocking story of flagrant abuses, laxity, conflicts of interest involving PRD employees and pesticide manufacturers. Since passage of the Act of 1947 until the time of the hearings, USDA had never removed a pesticide from the market over the objections of the manufacturer—except once, when Shell Chemical Company complained about a competitor's product, which was then suspended and removed from the market within four days.

The House Committee found that HEW had objected to 1,633 proposed registrations or re-registrations in a five-year period. But neither HEW nor Agriculture could report to Congress how many of these products were registered, since PRD did not keep records or advise its sister agency. Safety warnings were found highly contradictory. For instance products containing *thallium sulfate*—a highly toxic ant and rat poison—bore warnings that the poison should be kept away from children. However, directions for use called for the product to be placed on floors and in other places accessible to ants and rats—and obviously to children as well. Products containing lindane and DDVP bore warnings against contamination of food, but their labels indicated they were approved for use in restaurants under conditions practically certain to result in contamination of any exposed food. A fly and roach spray product cautioned the user, "Use in well ventilated rooms or areas only." But directions for use began, "Close all doors, windows and transoms." This reminds me of the following printed cautions in the use of Sevin: "Keep out of reach of children and animals . . . Harmful if inhaled or swallowed . . . Avoid contamination of food, feed, water supplies, streams and ponds . . ." followed by directions for aerial spray.

The investigation happened in Washington. The House Subcommittee found PRD a dismal failure in its responsibility to protect the public from hazardous pesticide products. Yet, as though to complete the hoax, the garden editor of the Washington Post glorified the PRD and the use of chemical poisons. On July 11, 1970, with the report easily available to him, he wrote as follows:

"The USDA Pesticide Regulation (sic) Division employs a large number of well equipped biologists, entomologists, pharmacologists, toxicologists, bacteriologists, and plant pathologists. One cannot imagine the amount of dedicated talent there is here. These people are experienced experts with access to every kind of detailed information about pesticides and with authority to require any additional information they may need from the registrant. They consult with the Public Health Service, with the Fish and Wildlife Service. They study the hundreds of pages that report the tests that have been made by the manufacturer before filing application for registration. They do testing themselves.

"These experts are not working for the chemical manufacturers. They are working for the people of the United States of America. If there were any way to make the system more foolproof, they would be the first to welcome it."

Distortion and suppression of the truth concerning chemical poisons is awesome and frightening. Readers of *Field & Stream* may recall that in the July, 1969 issue I reported receiving word from concerned citizens in Tennessee that Bowaters Southern Paper Corporation had spread poison grain over a wide area for the benefit of a pulp-producing monoculture. I noted that members of three hunting clubs had taken separate inspection tours of Signal Mountain, outside Chattanooga, and all had declared it a terrible tragedy for wildlife.

This evoked an anguished letter of protest from the public relations manager of Bowaters, accusing me of "misleading statements and fabrications." His viewpoint was generously supported by the Tennessee Fish and Game Department, U.S. Bureau of Sport Fisheries and Wildlife, and a wildlife biology professor at the Forestry Department of the University of Tennessee, who had prescribed the poison, zinc phosphide. They all assured me in correspondence that environmental risks were slight and of a temporary nature, that all complaints had been carefully investigated but had proven groundless or insignificant. They insisted that only the targets—voles—were affected and there was no hazard to birds or game. But I was deeply disturbed that expressions from all of them in behalf of the economics of pulpwood production far and away transcended concern for the biological and ecological resource.

I went on the ground and interviewed people in the mountains. They were upset. One man told me poison corn had been sprayed all over his property, which adjoins the Bowaters land. Another said, "I found poison in the water and was afraid to drink. People fear to hunt and eat game with poison in the system." I learned the report of Marzine Hudson, of the state office of the Bureau of Sport Fisheries and Wildlife, confirming the damage, was being suppressed. It is still being suppressed by the Department of the Interior. I made the trip into the hills accompanied by a television camera crew from Chattanooga at the request of that station. The program has never been shown.

I consulted Victor Cahalane, E. Raymond Hall, and Clarence Cotton, biologist of international stature. All confirmed my fears. Wrote the latter: "If one can pick up any quantity of this and find it in piles it is perfectly obvious that it hasn't been well put out. When poisoned grain is put out in that fashion it is perfectly obvious that it can't help but do a lot of damage to non-target species. An aerial procedure of spreading poisoned bait, spray or dust, makes it almost a sure fact that non-target species will be killed, and I think there is little doubt that a good many were killed in this instance."

Although Bowaters and its supporters insisted that zinc phosphide kills only voles, I found that every piece of current literature stresses this to be an intense, extremely dangerous and long-lasting poison. Warnings such as the following are plain and plentiful: "Zinc phosphide must be used with care, as it is toxic to all forms of animal life. It has poisoned humans as well as domestic and wild animals . . ." "Be certain to remove and destroy all uneaten baits at the end of the poisoning period."

The day I arrived in Tennessee Bowaters announced deferral of its second poison attack on the voles. This was wise. As a good ecologist would explain, total annihilation programs for rodents are rarely successful; declines are followed by greater reproductive success. Instead of looking for panaceas in the bag of trick poisons, one might suggest careful ecological research and serious self-searching concerning forest management practices that may account for high vole populations. For example, I saw huge bulldozed piles of dead hardwood—an utterly wasted natural resource—serving as a clear source of protection for rodents.

I recently received a clipping from Tennessee, which showed I had been right all along. Dr. Ralph Dimmick, of the University of Tennessee, was quoted as reporting that dyed oat groats were less damaging to quail than cracked corn deyed green—which Bowaters had used. To quote the clipping: "He warned, however, that further testing should be conducted on the employment of zinc phosphide in widespread use for wild rodent control. 'Its high degree of toxicity and its non-specific nature obviously pose some hazard to all vertebrates which may encounter it.' " (This, of course, they all had repeatedly denied.)

" 'Substantially more experimentation needs to be done to improve and/or determine its repellancy to other species. The search for species-specific poisons, and other chemical and cultural methods of preventing rodent damage to forests should be intensified.' " I thought he must really be learning the lessons until I read the following:

" 'Nevertheless, when damage problems are severe and rodent control is deemed necessary, the rodenticide described in our experiments is known to be economical and effective and affords some measure of safety to bobwhite quail.' "

What he should have said is: Economy and effectiveness must no longer be measured in terms of money spent or earned by the company, by any company, but in relation to safeguarding the environment.

Weigh the ecological cost to all of us—and the economic cost to users—of continuing to rely on harmful poisons. Users are spending millions of dollars on salesmen who often peddle bad advice. As Dr. van den Bosch wrote: "While a sick person who takes the wrong medicine, or even takes too much of the right medicine, may harm only himself, the grower who uses the wrong insecticide or overuses the right one may affect the ecology of an area beyond his own fields."

We are told we must have pest control to meet the needs of the booming human population for food, fibre and protection from disease-bearing and nuisance insects. But this is precisely why we cannot continue to use ecologically crude insecticides in an inefficient, disruptive and pollutive manner if we are to avoid ecological disaster. Further disruption of the ecosystem, already badly battered and bruised by harmful land use practices and unrestrained waste, must end or we will no longer survive as a prosperous nation.

We must kick the synthetic habit, the psychotic reliance on poison, and reject the old justifications given for it in the name of service to humanity.

"The objective of control methods for disease vectors is the interruption of disease transmission," said Dr. John Briggs, of the Entomology Faculty of Ohio State at the American Association for the Advancement of Science meeting in Boston in December, 1969. "In the United States we have the dis-

tinction of going several steps further, and may be characterized as a 'pest control' society. Several weeks with the Filariasis Research Unit in Burma during 1969 gave me a new perspective. Much of the world is not so concerned about the last mosquito in the room, but to have a good chance of avoiding a crippling disease.". . ."We accept the great benefits of chemical insecticides at a specific time and place. Where in the development of vector populations can a chemical insecticide be used to provide maximum benefit over a ten-year period? Without specific concerns for the environment generally, we may ask if the record for the past decade has provided the confidence to act similarly in the future?"

Government agencies and state universities, above all, must learn a new way of life and overcome their addiction to poison. As one of our *Field & Stream* readers wrote to Dr. Leslie Glasgow, Assistant Secretary of the Interior: "Thank you for your October reply to my August letter. It generally takes a month or two to get a reply from the Department of the Interior. Nobody ever explains; you always just say, 'We regret the delay.' As a citizen, I do not understand your department's position concerning wildlife and poisoning. You seem to continually advocate and defend and recommend poison. I don't understand why you don't defend and protect wildlife. Isn't that what your job is supposed to be?"

Several months ago I received an interesting report from the Northeast Forest Experiment Station exposing the old fallacy that reforestation by direct seeding depends on the use of endrin. The report showed that the best protection comes from careful planting, ensuring that seeds are completely covered with a thin layer of soil, and also that coated seeds sown on the surface suffer severe losses of 50 percent or more, regardless of endrin concentrations as high as 4 percent. I considered this most encouraging and wrote the Forest Service hoping to learn that such projects were going on elsewhere as well. But what I got from the head of research was mostly a report on applying endrin better, particularly through impregnation into the seed, which supposedly reduces loss of the chemical into the environment. I should think he would have said the Forest Service is desperate to get away from endrin, since it tends to be magnified in natural ecosystems by being passed from one link to another in food chains, and thus to poison the whole landscape.

In my own state, Virginia, a bulletin on "Weed Control in Pastures" from the VPI Extension Service promotes the use of 2,4–D and similar herbicides. But the bulletin is loaded with such cautions as: "Small amount of these herbicides are capable of damaging or killing susceptible plants such as alfalfa, many clovers, cotton, tobacco, grapes, most flowers and ornamentals." In the case of dicamba, it adds, "Do not graze meat animals in treated fields 30 days before slaughter. Do not use seed from treated grass for food or feed purposes. Do not apply on or near desirable trees or plants. Do not graze dairy animals or treated animals within 7 days" . . . Clearly here is a poison requiring not just caution in use, but total elimination.

The poisons in this family are widely used in forest management. The Bowaters people wrote to me in response to request for information that as far as they know 2,4,5–T is not toxic to any form of animal life. The Westvaco company advised, "We have made it a practice to observe carefully the results of these applications and have not detected any adverse effects."

Someone should tell these companies the facts of the case. The dangers in 2,4,5–T are best known, largely through the tragedy of Viet Nam. Yet 2,4–D is the most widely used pesticide. About 79 million pounds were produced in 1968, more than 20 percent of the total herbicide production of about 375 million pounds. In the Bionetics Research Laboratory study of 1966, conducted for the National Cancer Institute, three esters of 2,4–D were implicated as possible teratogens.

The butyl ester—one of three teratogenic esters—is the one most frequently used for agricultural and domestic weed control. The only ester that did not produce birth defects was the ethyl ester. The congenital defects found in the unborn animals consisted of missing or abnormally small eyes. An additional abnormality that developed in mice treated with the butyl ester was agnathia, or absence of the lower jaw. Additional studies by FDA and Dow Chemical Company have made it clear that dioxin contaminants which have been a constant problem in the manufacturing process and long recognized as extremely toxic at the microgram level, are capable of inducing birth defects by themselves.

"Continued use of these herbicides in the environment constitutes a large-scale human experiment in teratogencity," Dr. Samuel Epstein, of the Children's Cancer Research Foundation, said before the Senate Subcommittee on Energy, Resources, and the Environment, April 15, 1970. "At its worst, the experiment may produce effects on human infants that become part of the overall pattern of birth defect pathology. Such effects probably may not even be recognized for what they are, at least for some time, since the significance of their incidence may be obscured in the overall and inadequate statistics on birth defects. Such an experiment is unwarranted by any conceivable criteria in the face of the unambiguous warning sounded by available scientific data."

Restrictions are continually being placed on the use of these poisons. They should be banned throughout the world until more is known about their dangers. And when in doubt their use should be stopped voluntarily.

Thoughtful people everywhere are concerned and upset. They feel we are at the brink of economic and ecological chaos in pest control; that life is in danger.

"What are Pesticides Doing to Human Beings?" is the title of a booklet published by the American Nutrition Society, advising which foods are safe, how to prepare them: "Peel all fruits and vegetables that lend themselves to such treatment. Scrape the outside layer from celery. Washing will not remove residues. Purchase eggs from local ranches not using DDT, BHC, or chlordane in hen houses." The Mississippi Game Commission reports that "Long lived insecticide residues are causing portions of life to either disappear or evolve to an extent that may render them harmful to man and other consumers." Approximately 5,000 reports of pesticide poisonings are received annually, but officials of the National Clearinghouse for Poison Control Centers believe the total number of such poisonings is eight to ten times greater. A top official of the Michigan Department of Natural Resources urges leaders in his field throughout the nation "to fight the system of regulative permissiveness toward hard pesticides and the steamroller tactics of the industry which continues to push these economic poisons." This feeling goes right to the grass roots. "They are continually spraying the area," complains the president of a hunting club in Tennessee, "killing hardwood, all types of insects, bees, butterflies, hummingbirds, etc. We believe these poisons are absolutely a detriment to the health of human beings and all types of wildlife."

The worst notwithstanding, I look hopefully to stirrings of conscience and responsibility. It is encouraging to learn of experiments with potted plantings, or tublings, instead of endrin-coated seedlings. These may be economically motivated, but they demonstrate the answer lies in better management techniques rather than poison. I read an interesting piece in the September, 1970 issue of the Journal of Range Management: "The volume of literature on the use of herbicides on rangelands is quite large and growing. In this body of literature it is rare indeed to find any consideration or discussion of the ecological impact of herbicides on the environment. It is relatively safe to say that effects on non-target flora and fauna have been of little or no concern . . .

"Spraying and artificial treatments that reduce diversity can seldom be justified. Diversity and variety are cornerstones of survival since the more ways there are of consuming, or being consumed, the more favorable the chances of a living population to avoid high fluctuations in the birth and death of individual species. Agricultural practices that reduce the diversity of species in a community may be working in exactly the wrong direction . . .

"Range management as a science will not survive unless it adopts a meaningful philosophy and understands that any science that relates to the land resource cannot stand alone, or isolate itself structurally by concentrating within a narrow single use field."

Certainly the same applies to forest technology. Take it another way from James K. Lewis in The Ecosystem Concept in Natural Resource Management: "A high degree of human control over range ecosystems is usually either not possible or not economical. If a high degree of human control is economical the land is usually cultivated and ceases to be range. Consequently, range must be manipulated by extensive methods which are ecological in nature rather than by intensive methods that are agronomic in nature."

Thus, you see, I am not pressing for biological controls, which are much under discussion these days. The answer lies not in technical specialization, but in the objective of our society. The technology we develop must be governed by humanist principles. Then we can properly determine where to use what and how to apply it.

Based on thirty years of personal experience with the gypsy moth problem in Ulster County, New York, including his own holding of 7,500 acres, Daniel Smiley writes as follows: Knowledge about the moth and its control is greater than ever before. Valiant and honest efforts have been made by federal and state technical people to control the insects. Great sums of public money have been spent. And gypsy moths are present in a wider area than ever. There was no spraying of poison on his place, yet the gypsy moths died, he believes from the combined effects of disease (probably wilt) and parasites (wasps and flies). The forest leafed out again—it was a case of true biological controls, without human help except that of letting nature take its course.

We still know very little about life. New micro-organisms associated with insects are being discovered at a relatively high rate, according to Dr. Gordon E. Stairs, of the Faculty of Entomology at Ohio State University. The actual naming of the microorganisms, as he insists, may not be as important as the understanding of their biology and ecology. There, I suspect, lies a more valuable key to the future than the search for a panacea.

Environmental forest management dictates that values of timber yield must be balanced with protection of soil, water, wildlife and scenery, and with assurances that harvested areas will grow more trees for future timber needs. The mixed hardwood or hardwood-and-pine forest is a complex, diverse and relatively stable association of plants, with a tendency to maintain its ecological norm. There is plenty of room for manipulation within the norm, along with growing timber on long rotations. In a closely managed forest, sapsuckers and other birds by their activities will indicate which trees should be culled. Drastic changes outside the norm

and the widespread conversion of hardwoods to pine, may be efficient in terms of technology and short range industrial economics, but they are likely to be disastrous in the long run.

As with any land use that simplifies life-communities, farm-lot forest management favors the irruption of pests and disease. Infection is rapid and direct from tree to tree. If one species is destroyed there is nothing left. A monoculturally managed forest therefore creates the need of herbicides and pesticides, which further destroy biotic diversity, including the soil nutrients, leading to unending applications of chemical poisons and fertilizers, and steadily decreasing productivity.

In summary, ecologists have a basic hypothesis—the more complex and diverse a community, the greater its stability. To worry about deer or board feet, or even endangered large carnivores like wolves, is not enough. Some 400,000 kinds of plants, some two million kinds of animals offer man an unending variety of form and function, of unsolved biological mysteries and rewarding beauty. Take away the diversity and man is lost. "The prime concern of mankind, from now until the end of human time," according to Dr. Hugh Iltis, of the University of Wisconsin, "will be the conservation of the diverse environment, the only one to which man is adapted, the only one in which he can live."

Stated another way, any decision to inflict death upon another creature needlessly or wantonly, is a decision to move toward death oneself.

But I will end with the thought of life rather than death. "Whoever poisons the environment, or creates undesirable or unacceptable side effects because of the process he uses or the product he uses to create wealth—this man, or corporation, has a responsibility for correction." So declares Lowry Wyatt, president of the National Forest Products Association. This is the challenge. Let the new age begin.

WHO NEEDS THE SST? YOU DO

Mr. GOLDWATER. Mr. President, in connection with the ongoing discussion of whether the Nation should develop a SST, I should like to point out that more than 80 percent of the world's airline routes today are flown by American-built aircraft. It stands to reason that if we decide not to compete in the SST field, we will surely lose more than just supersonic transport business because it has been the experience of American manufacturers that the world's airlines tend to buy families of aircraft.

Mr. President, contrary to popular belief the SST program is not something dreamed up by the Nixon administration. The SST program was started by the Kennedy administration and has been supported continuously since then by the Johnson and Nixon administrations.

The current program is for the development of two full-scale prototype aircraft only.

Prototypes of all successful commercial aircraft produced in the United States in the last 3 decades were derived from military cargo aircraft which were procured in substantial quantities by the Department of Defense generally before the first commercial version was delivered to the airlines. In the 1940's and 1950's, the Douglas DC–4 and DC–6 evolved from the C–54 and C–118 aircraft; the DC–7 was essentially a modification of the DC–6. The Lockheed Constellation evolved from the C–121, and the Boeing Stratocruiser evolved from the KC–97.

The Boeing 707 was an outgrowth of the KC–135 which was based on the technology demonstrated in the Boeing B–47 and B–52 aircraft. The Douglas DC–8, DC–9, and DC–10; the Convair CV–880 and CV–990; and the Lockheed L–1011 were all outgrowths of the Department of Defense research and development production programs established for the B–47, B–52, and KC–135 aircraft.

Government research and development funding for the two SST prototypes is appropriate today because:

There is no similar military or civilian aircraft under development or in production. The B–70 program for a high-speed jet bomber was canceled several years ago after only two aircraft were built.

In order to be safe and economical while flying at about mach 2.7, the SST prototypes will incorporate much new technology which has not been adequately demonstrated in current military aircraft programs.

Many spin-offs are expected from this program for future military aircraft as well as for future commercial aircraft and possibly for future space shuttle vehicles.

Because of the large size, the large increase in cruise speed, and the requirement for extensive use of titanium, the two prototype SST aircraft will require an unprecedented investment. One unique difference in this program is that private enterprise is putting up a significant amount of its own funds for the prototype development. In addition to the Government investment, at the completion of the prototype development program, the contractors and airlines will have invested some $380 million in facilities, equipment, tooling, and materials.

Current U.S. world leadership in civil aviation has resulted from a strong science and technology base in aeronautics and related fields which has largely been built and maintained by Department of Defense contract programs. That base is being eroded by decreases in Defense research, development, training, and engineering coupled with inflation. Now "fly-before-buy" is a popular philosophy for military aircraft procurements. Commercial airlines have traditionally followed this policy. Today, however, aircraft manufacturers cannot afford to invest the requisite sums of money to demonstrate the technology only to find that, because of possible environmental effects beyond their control, they could not sell the large numbers of the airplanes necessary to make a profit. Similarly, the airlines cannot tie up large sums of capital particularly with the high cost of money today, gambling that the SST, even though technically and economically successful, would not be permitted to fly.

On the other hand, Britain and France are investing considerable sums of taxpayers' money in the Concorde, and the TU–144 is funded solely by the Government of the U.S.S.R.

If we wait until the environmental issues are clearly settled, and the worst fears of the environmentalists are not realized, the United States will be so far behind that it is questionable whether we could catch up in time to recapture the world supersonic transport markets or even compete adequately for the market of the more aggressive U.S. airline companies with transoceanic operations.

More than 80 percent of the world's airline routes today are flown by American-built aircraft. If we elect not to compete in the SST field, we shall surely lose more than just the SST business because it has been the experience of American manufacturers that airlines tend to buy families of aircraft. Manufacturers tend to use successful techniques, components, and design philosophies where appropriate on new products. Similarities in design imply similarities in maintenance procedures and handling equipment which in turn lead to common training procedures and specialized ground equipment.

Most air travelers throughout the world fly on American-built aircraft. In no other area does U.S. excellence impact so many people every day in so many countries.

ANTI-SEMITISM IN THE SOVIET UNION DEPLORABLE

Mr. McGOVERN. Mr. President, reliable reports confirm that yesterday 34 people went on trial in the Soviet Union for an alleged hijacking of a Soviet airliner. This trial deserves the attention of the world. It is the latest in a series of actions designed to intimidate and silence the Jews of the Soviet Union in their striving to maintain their cultural identity. The 34 persons are all Jews. They were arrested in a coordinated police action in four different cities a few hours after the reputed hijacking.

This latest episode follows an historical pattern of anti-Semitism. It is the latest in a tragic history of malevolent accusation. There has been no relationship established among the 34 people other than that they have all petitioned either the United Nations, the Human Rights Commission or the Soviet Government, or have asked the Soviet Government to leave the U.S.S.R. for Israel. They have all signed some kind of appeal for emigration because they wanted to live as Jews and could not do so in the U.S.S.R. All are said to have Israeli relatives.

A background statement on Soviet anti-Semitism and the facts of the present trial has been published by the American Jewish Conference on Soviet Jewry. It tells of this tragedy which the world must not fail to see. I ask unanimous consent that it be printed in the RECORD so that other Senators may call attention to and work against this great injustice.

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

SOVIET JEWISH POLITICAL PRISONERS: BACKGROUND REPORT

Thirty-four Soviet Jews, arrested and held incommunicado within the past six months in Leningrad, Riga, Kishinev and Tbilisi, face the imminent prospect of political trials that can lead to life imprisonment, and even the death penalty.

The weight of evidence, filtered out to the

outside world by close relatives and friends, leaves little room for doubt that regardless of the legal specifications that may be brought at the trials their thrust will be anti-Jewish.

In the larger context of recent Soviet policy, it is clear that the immediate purpose of the arrests and any accompanying trials is to stifle the voices of the scores of Jews who, in the last year, have undertaken to struggle to leave the USSR for Israel, where they can maintain their Jewish identity. The long-range objective may be to crush a larger-scale renascent Jewish national consciousness among many thousands of Soviet Jews.

All the available information leads to the conclusion that last spring a high-level policy decision was made to initiate a nationally coordinated, concerted secret police (KGB) action against militant Jews which used entrapment and provocation and involved large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

The known facts are these:

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad*, the main afternoon paper, carried a brief announcement of the action, indicating that those arrested had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda*, the main morning newspaper.

As a matter of policy the Soviet press rarely publishes crime news, and even then it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were alerted in advance. The fact that the Jews were arrested while walking on the ground is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by the virtual simultaneity of other actions that day.

At about the same hour of the arrests at Smolny Airport eight Leningrad Jews were arrested in scattered places—at work, at home, on assignment some distance from the city, and even on vacation as far away as Odessa. Within a few hours searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests in Tbilisi, Kishinev, Riga, and again in Leningrad, bringing the number of Jewish political prisoners at this date to thirty-six, including two sentenced prior to the new arrest.

The man in charge of "the Leningrad case," involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecutor, S. Ye Soloviov, well known to local Jews as an anti-Semite.

In 1961 he served as a judge in the city's criminal court, and presided over two notorious trials involving Jews. In one case, he handed down a series of death sentences for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year-old man, to lengthy prison terms on charges of subversion. The charges were due to the defendants' determined efforts in behalf of Jewish religious observances, and their active contacts with synagogue leaders in other cities.

I

The new arrests and the ominous possibility of trials must be understood within the larger context of official policy, as reflected in the massive winter propaganda campaign against Israel during January-March 1970. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a general anti-Jewish campaign. Publications in the thousands all over the country, through articles, editorials, pamphlets, letters to the editor, and caricatures, assumed an anti-Semitic tone and character.

The campaign itself was an expanded, but more intensified, version of the Soviet propaganda line that now views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism. The whole amalgam is a key element in the doctrine of "International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the discredited Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their loyalty to the Soviet Union, to reiterate official apologetics about Soviet Jewry, to sign attacks on Israel and world Jewry, and to brand as betrayal any desire to leave for Israel. The apex was reached at a Moscow press conference on March 4, when 52 prominent Jews were brought together by the Foreign Ministry to speak to the world and, indirectly, to Soviet Jews.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "house-broken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to intensify anti-Jewish pressures.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the widespread anti-Jewish propaganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural and religious rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism, and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel. With few exceptions, their applications have repeatedly been turned down.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to UN Secretary General U Thant, to the International Red Cross, and also to President Richard Nixon and Israel Premier Golda Meir. In effect, they have appealed to public opinion and to the conscience of the world. Such letters have been written by individuals and by groups in every major city.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish national identity has begun to be treated like a criminal or anti-social act, with procedures of intimidation used against many who applied for exit permits, including interrogation by the KGB, expulsion from the Party, suspension from the university, discharge from employment, and general social hostility at work.

II

But, what of the imminence of a trial of those arrested since June?

In order to better understand what may happen, it must be borne in mind that there are basically two separate groups involved in "the Leningrad case."

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them, and they have evidently been under intensive interrogation. Since we have no precise idea of how they will be charged, it is only possible to speculate on the circumstances in which they will be tried, and the penalties they are likely to incur.

According to law, conspiracy to hijack an airplane is considered treason and is therefore subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entails life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property, and may also entail the death penalty.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by someone in their midst.

We have learned, in a letter from the wives, mothers and sisters of eight of the Leningrad group, that police interrogators informed the women that the prisoners confessed to "anti-Soviet activity" and the attempted hijacking of a plane. The women made it clear they believe these were forced confessions.

Forced confessions raise the ominous spectre of show trials. Such staged trials, using forced confessions as decisive evidence, are no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920's and culminates, of course, in Stalin's notorious Great Purges of 1936–40, with their anti-Jewish component.

For Soviet Jews, this form of terror as an anti-Semitic expression began in earnest only after World War II, in the last five years of Stalin's death, known to them as "the Black Years." Those years witnessed a series of grim experiences: a massive anti-Semitic campaign of propaganda and purge against "unmasked cosmopolitans" (a thinly veiled and well-understood euphemism for Jewish intellectuals, large numbers of whom publicly "confessed" their sins); the liquidation of Jewish cultural institutions and the arrest and execution of hundreds of Jewish cultural leaders; a series of anti-Semitic show trials, replete with confessions, of the top leadership of Communist parties in the Soviet satellites, especially the infamous "Slansky trial" in Czechoslovakia, plotted by Stalin in 1952.

The wave of terror culminated with the announcement, in January 1953, of an alleged "plot" by which Soviet Jewish doctors had murdered, or were planning to murder, Soviet political leaders at the behest of an international Jewish conspiracy in league with Western imperialism—a charge that is closely akin to the present Soviet trilogy of Judaism=Zionism=Nazism! Only the death of Stalin, in March 1953, ended what most observers believed was going to be a vast new purge, with an emphasis on trials and the deportation of Jews.

It is also essential to recall the experience and the lessons of the more recent widespread economic crimes campaign of 1961–64. This was another of those nationally coordinated enterprises which the police authorities stage so well. All of the institutions of Soviet power were used to expose and eradicate those accused of alleged large-scale economic offenses, such as theft of State property, embezzlement, dealing in foreign currency, counterfeiting, and bribery.

The Communist Party apparatus, the Komsomol (Young Communist League), the militia, the secret police, the regular police, local prosecutors and courts, and the national and regional press were brought into service. Crude propaganda material, overtly anti-Jewish, blanketed the country and mass trials were staged in which the accused in-

variably confessed and were given stiff penalties.

For the purposes of this campaign, the death penalty was reinstituted after a lapse of many years. Of the several hundred executed, more than fifty per cent were Jews, who constitute just over one per cent of the total population. Just six years ago the International Commission of Jurists, in a meticulously detailed study, pointed up the anti-Semitic taint of the campaign. Certain Soviet jurists themselves, in a moment of criticism, noted its legal excesses.

More immediately and directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer from Kiev, in the Ukraine.

Kochubiyevsky was arrested in December 1968, and five months later he was tried and sentenced to three years of forced labor for "anti-Soviet slander." His "slander" consisted of a public defense of Israel in June 1967, and his public assertion in September 1968 that Babi Yar—the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941—was a tragedy for the Jewish people. Also included were his statements, in a November 1968 letter to the Soviet leadership, that it was impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions, and that he consequently wanted to go to Israel.

In short, the accusations against Kochubiyevsky were essentially identical with the regime's real grievances against its present Jewish prisoners. His trial is now being viewed as a harbinger of gloom for additional trials, and as a foreboding precedent.

In the Kochubiyevsky case, *Khronika,* the generally reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, reported segments of the trial transcript as well as reports by persons present at the trial which painted the following picture.

Some prosecution witnesses were provocateurs. Several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators. The general public was kept away.

Not even friends or relatives were permitted inside the courtroom. At the same time, the KGB packed the courtroom with its own members, as well as with citizens who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of the court immediately after their testimony, which is against Soviet legal procedures. The judge acted like a prosecutor, indulging in remarks that were hostile to the defense in tone and substance, and generally permitted anti-Semitic and hooligan behavior in his court. At the same time the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

It is, of course, entirely conceivable that Soviet authorities will attempt to underplay or even avoid, in any direct way, the essentially anti-Jewish, political character of the new case. Very likely apprehensive about protests in the outside world over a mass anti-Jewish trial, they may seek to divert attention to the narrow legal question of a hijacking plot through an emphasis on forced confessions. This would serve them especially well at a period when much of the civilized world has gone through a period of shock with regard to airplane hijackings.

But regardless of how the trial is conducted, and how Soviet propaganda handles it, it will be difficult to shift the focus from the fact that people are on trial for their convictions, and that Jews are being persecuted as Jews. The defendants had no desire to attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system altogether, and to exercise their elementary human right to leave their country of origin and to settle in Israel, which they now regard as their ancestral homeland and as the sole place where they can live as Jews.

The materials confiscated from those interrogated and arrested demonstrate conclusively that this will be a Jewish case. Among the items seized were Hebrew grammars, Jewish history books, open letters of appeal for help to leave, postal cards from Israel, and Jewish encyclopedias. In short, as some have written, everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 action a young Leningrad Jew, Viktor Boguslavsky, wrote an impassioned letter pleading the innocence of his friends. He noted that "A lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

TRIED AND SENTENCED

(Ukrainian SSR)

Boris L. Kochubiyevsky: 34 years old. Engineer. Married. One child: a year-old daughter. Former address: Kiev, Ukraine SSR. Charged with anti-Soviet slander December 1968. Sentenced May 1969 to three years at hard labor.

Lilya A. Ontman: Married; family includes a sister and an adopted child. Former address: Chernovitz, Ukraine SSR. Charged with anti-Soviet slander. Sentenced January 1970 to two and a half years in prison.

AWAITING TRIAL (WITH ARREST DATES INDICATED*)

(Georgian SSR)

Abraham Danilashvili: June 1970.*

Biniamin Dzhaneshvili: June 1970.*

(Leiningrad, Russian SFSR)

Vladimir Osherovich Mogilever: June 15, 1970*; 30 years old. Engineer. Wife: Yulia Issaevna Mogilever. One child: a two-year-old son. Address: Ul. Telmana D. 36, korp. 1, kv. 209.

David Iserovich Chernoglaz: June 15, 1970*; 30 years old. Agronomist. Wife: Berta Petrovna Veinger. One child: an eight-month-old infant. Address: Pr. Maklina D. 26, kv. 25.

Grigory Ilya Butman: June 15, 1970*; 37 years old. Engineer. Wife: Yeva Shmulevna Butman. One child: a four-year-old daughter. Address: Vitebsky pr. D. 23, korp. 4, kv. 33.

Lassal Kaminsky: June 15, 1970*; 40 years old. Engineer. Wife: Serafima Mayerovna Kaminsky. Two children: ten and seventeen. Address: Ul. Vosstaniya D. 6, kv. 4.

Lev Leibovich Korenblit: June 15, 1970*; 48 years old. Mathematician. Wife: Reveka Moiseyevna Korenblit. One child: a daughter. Address: Ul. Vereiskaya D. 12, kv. 10.

Solomon Dreizner: June 15, 1970*; 38 years old. Engineer. Married: wife hospitalized. One child: a five-month-old son. Address: 19 Olega Koshevogo, Apt. 23.

Anatoly Moiseyevich Goldfeld: June 15, 1970*; 24 years old. Engineer. Unmarried. Mother: Liya Samsonovna Shimanovich. Address: Pr. Shaumyan D. 58, kv. 18.

Lev Naumovich Yagman: June 15, 1970*; 30 years old. Wife: Musya Khain-Leibovna Yagman. Two children: 2 and 6 years old. Address: Ul. Karbysheva D. 6, korp. 1, kv. 80.

Viktor David Boguslavsky: July 12, 1970*; 30 years old. Unmarried. Mother hospitalized. Address: Pr. Shaunyana 47, apt. 25.

Hillel Zalmanovich Shur: September 5, 1970*; 34 years old. Marital status unknown. Sister: Kreina Zalmanovna Shur. Address: Ul. Zhukovskogo D. 20, kv. 20.

Viktor Shtilbans: November 16, 1970*; 28 years old. Physician. Married.

Mikhail Korenblit: November 16, 1970*; Brother of Lev Korenblit.

(Riga, Latvian SSR)

Leib G. Khanokh: June 15, 1970*; 26 years old. Address: 21 Milisnas Street.

Meri Mendelevich Khanokh: June 15, 1970*; 20 years old. Wife of Leib G. Khanokh. Same address.

Yosif M. Mendelevich: June 15, 1970*; 23 years old. Brother of Mary M. Khanokh. Address: 176/44 Lenin Street.

Edvard Kuznetsov: June 15, 1970*; Address: 45 Vaidenbaum Street, apt. 22.

Silva Zalmanson Kuznetsov: June 15, 1970*; Wife of Edvard Kuznetsov. Same address.

Isak Zalmanson: June 15, 1970*; 26 years old. Brother of Silva Z. Kuznetsov. Same address.

Wolf Zalmanson: June 15, 1970*; 31 years old. Brother of Isak Zalmonson and Silva Kuznetzov. Same address.

ANATOLY A. ALTMAN: June 15, 1970*; 38 years old.

BORIS PESTNER: June 15, 1970*.

MENDEL BODNIA: July 1970*; 33 years old. Wife: Zelda Bodnia. Address: Shkolnaya Street 7, apt. 2.

ARKADY SHPILBERG: August 4, 1970*; 32 years old. Engineer. Wife: Margarita Mikhailovna Shpilberg. One child: a daughter. Address: Lenina Street 205, apt. 6.

BORIS MAFTSIER: August 4, 1970*; 23 years old. Wife: Genia Moiseyevna Maftsier. Address: Siltsiema Street 15, korp. 5, apt. 61.

RUTH ALEKSANDROVICH: October 7, 1970*; 23 years old. Nurse. Address: Suvorova Street 16, apt. 20.

MIKHAIL SHEPSHELOVICH: October 16, 1970*; 27 years old. Address: Yuglas Street 5, apt. 42.

(Kishinev, Moldavian SSR)

ALEKSANDER GALPERIN: July 24, 1970*; 24 years old. Unmarried. Mother: Makhlia Yefimovna Galperina. Address: 37, Ul. Tesbashevskaya 11–13.

ARKADY VOLOSHIN: August 15, 1970*; Address: Ul. Kievskaya 41, kv. 5.

GARI KIRSHNER: August 15, 1970*.

DAVID RABINOVICH: August 15, 1970*.

ABRAHAM TRAKHTENBERG: August 15, 1970*.

SEMEON ABRAMOVICH LEVIT: November, 1970*; Address: Ul. Svoboda 8.

RAINBOW BRIDGE

Mr. BENNETT. Mr. President, as one of the sponsors of the upper Colorado storage project which authorized Glen Canyon Dam, I was naturally interested to learn that a suit has been filed in Federal court to prohibit Lake Powell from being filled to a point where its waters would go beneath the Rainbow Bridge.

Although the original act provided for a barrier dam and associated works, further studies by Bureau of Reclamation engineers showed that the bridge abutments were already saturated with water from natural springs and that the barrier dam and its works would intrude on the environment and disfigure the Rainbow Bridge National Monument.

One of Utah's most respected newspapers, the Ogden Standard-Examiner, discussed the danger to the monument in a recent editorial by the distinguished writer Murray M. Moler. So that Senators may be aware of the Standard's views on this proposal, I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

LAKE WON'T ENDANGER RAINBOW BRIDGE

A new legal fight is brewing over the long-discussed question of whether Lake Powell will ever danger Rainbow Bridge.

Lake Powell is formed in the canyons of the Colorado River, along the Utah-Arizona border, upstream from Glen Canyon Dam.

Rainbow Bridge, 30 airline miles northeast of the dam, is the world's largest natural stone bridge. It spans 278 feet and stands 309 feet high, almost large enough to frame the U.S. Capitol in Washington.

The bridge is located on a 160-acre national monument, set aside in 1910 by President William Howard Taft as an "example of eccentric stream erosion."

It was formed by tiny Bridge Creek, flowing into the Colorado from the northwest slopes of 10,388-foot-high Navajo Mountain. Structurally perfect, polished by centuries of wind and rain, the reddish-brown arch stands as one of the geological wonders of the American Southwest.

When the Upper Colorado Storage Project was authorized by Congress, with Glen Canyon Dam as one of its features, fears were expressed that the rising Lake Powell reservoir would ruin Rainbow Bridge.

There was a provision in the original act for a barrier dam, down Bridge Canyon from the bridge's high abutments, a tunnel to divert stream flow around the bridge and a pumping plant to remove excess water from behind the barrier dam.

However, Bureau of Reclamation engineers wisely concluded that the barrier dam and its associated works would intrude on the environment and disfigure the entire national monument.

Studies showed that the bridge abutments were already saturated with water from natural springs and that this moisture had not harmed the huge structure.

Congress agreed and all appropriation bills have carried a provision prohibiting the spending of any of the funds within the national monument.

The Sierra Club around 10 years ago filed a suit to prohibit the reservoir from being filled to a point where its waters would go beneath the bridge. The Supreme Court threw the action out on the grounds the club did not have legal standing to sue.

A new action has been filed this year in the Federal Court for the District of Columbia by the ultra-preservationist group called Friends of the Earth, by the Wasatch Mountain Club and by Kenneth G. Sleight, a southwest scenic tour operator.

If the injunction asked in this new suit is granted, the future of the entire Colorado River storage program would be jeopardized. Water needed for scores of lower basin uses couldn't be stored.

Lake Powell's surface is now at an elevation of 3,600 feet above sea level, giving the reservoir a content of 12.2 million acre-feet.

This is only about one foot below the maximum level that the reservoir attained last July 15.

If filled to its maximum, not counting a small emergency provision called the flood surcharge, the reservoir would reach 3,700 feet elevation and contain 27 million acre-feet. Its minimum level at which power can be generated is 3,490 feet, a content of 6.1 million acre-feet.

The present lake level is still six feet below the point where it would touch the national monument boundary, which itself is 48 feet below the point where water would back into the bottom of Bridge Creek. In horizontal measurements, it is still 2,000 feet from a point below the bridge itself.

At maximum level of 3,700 feet above sea level, Lake Powell would, of course, back into the canyon below Rainbow Bridge. However, it would be confined to the narrow channel itself and would be some 30 feet beneath the lower of the two natural bridge abutments.

We believe this would enhance the beauty of Rainbow Natural Bridge, not harm it—certainly not nearly as much as the "protective works" demanded by the preservationists. It would also make this beauty more readily accessible to the average visitor.

The courts must now decide whether Congress in its appropriation actions has amended the original authorization act. We feel that Congress did, in fact, recognize that Lake Powell does not now endanger Rainbow Bridge and never will.

HARRY S. TRUMAN AWARD TO SENATOR MUSKIE

Mr. SYMINGTON. Mr. President, it is a privilege, indeed, to ask unanimous consent to place in the body of the RECORD a thoughtful address made by the distinguished Senator from Maine (Mr. MUSKIE) before the State of Israel Bond Association in Kansas City, Mo., earlier this month, at an assembly during which he received the Harry S. Truman Award.

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

REMARKS OF SENATOR EDMUND S. MUSKIE, STATE OF ISRAEL BOND ASSOCIATION, KANSAS CITY, MO., DECEMBER 13, 1970

I am grateful to you for this award.

We are all deeply grateful to the man for whom it was named—Harry S. Truman.

As a President and as a man, he has reflected qualities of compassion and courage and common sense, qualities which America has found in her greatest leaders, qualities which Israel found when she needed understanding and support from America.

There could be no more fitting tribute than the formal dedication earlier this year of the Harry S. Truman Center for the Advancement of Peace on Mount Scopus.

It is appropriate this evening to recall the following words:

"The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and national identity was formed. Here they achieved independence and created a culture of national and universal significance. Here they wrote and gave the Bible to the world."

These are the opening lines of Israel's Proclamation of Independence.

Eleven minutes after that Proclamation was issued—in the middle of May, 1948, President Truman announced that America recognized the existence of Israel.

Several hours later, when the combined armies of the Arab League crossed her frontiers, Israel began to *prove* her existence. Her sons and daughters fought bravely, not for treasure or glory or conquest, but simply for an opportunity to rebuild their lives together on a piece of the land that belonged to their history and that they had been promised.

Yet those who flocked to that land as settlers—from every corner of the world—did not come to do battle.

They came instead to escape repression and persecution. They came to rekindle their heritage and to preserve their faith after the holocaust of World War II. They came to cultivate the soil, to establish industries, to build communities.

We understand these values. We appreciate these values. We identify with these values.

After all, for almost 200 years America herself has held out the hope which they signify—of freedom and security and opportunity.

That hope is why my grandfather sent my father to America from eastern Poland.

That hope is why *each* of us is here tonight.

Yet even today, there are people in the world who are without hope, people who want the chance to express freely their own identity. To some of them, Israel represents that chance—and for good reason.

Israel is an effective working democracy. She has cultivated the desert. She has also cultivated the lives of her people.

There is a sense of mutual respect among the families of Israel, between the younger generations and the older generations. Everyone shares a purpose to survive and a purpose to grow, to advance the possibilities of human existence, to fill the future with a vision of hope.

People should have the right to pursue that vision in a country which is prepared to welcome them.

People of the Jewish faith from the Soviet Union should have the right to pursue that vision in the State of Israel.

More than fifty years ago, King Hussein—the grandfather of the present King of Jordan—wrote as follows:

"We saw the Jews . . . streaming to Palestine from Russia, Germany, Austria, Spain . . . The cause of causes could not escape those who had the gift of deeper insight. They knew that the country was—for its original sons—for all their differences—a sacred and beloved homeland."

That homeland—now the State of Israel—is a nation small in size but large in the consciences of decent men and women, all of us who share the common faith of the Old Testament and who remember the ashes from which Israel rose.

Israel's right to live—as a free and independent democracy—must be *affirmed*. That right must be *maintained*. That right must *not* be challenged by force of arms.

The United States must provide whatever material aid is required for Israel's protection and sustenance. We cannot afford to do less.

We must provide the credits which are necessary—and we must seriously consider providing new forms of assistance, such as lend-lease, so long as Israel remains a beleaguered State.

Our common goal is a stable peace in the Middle East—for all the nations of that region.

Americans must care about achieving that peace—not only because of what the Middle East means to us in material terms or in political terms—but because of what it means to us in moral terms.

Of course, we are concerned about our national security posture, our oil supplies, our relations with the Soviet Union.

But our interest in the Middle East is not simply an extension of the Cold War, and our foreign policy in that area should not be expressed in the rhetoric of the Cold War.

Our ultimate concern must be clear.

It is a concern for the people who live in the Middle East . . . and for their ability to live there in peace.

Every nation, every culture, every people in the Middle East has more to gain from an exchange of ideas than from an exchange of hostilities.

These words from Isaiah have special relevance:

"Blessed by Egypt My people and Assyria the work of My hands, and Israel Mine inheritance."

Fear and mistrust have plagued these lands for too long.

Fear and mistrust have made it difficult for the peoples of the Middle East to improve their natural and social environment; to develop without interference from abroad; to reduce their level of military spending.

That fear and mistrust must be overcome as quickly as possible.

Israel's neighbors must recognize that Israel is in the Middle East to stay. And they must be convinced that Israel is *not* an expansionist State.

On these foundations of mutual restraint, peace *can* be built.

That peace depends not only on a cease-fire but also on honest negotiations between Israel and her neighbors—negotiations designed to establish secure and agreed boundaries for the State of Israel, to ensure the right of passage through all the waterways of the Middle East, to solve the refugee problem in a fair and equitable manner.

Israel has declared her willingness to live in peace with her neighbors. She desires nothing more. She deserves nothing less.

Israel has offered to cooperate in raising the standard of life throughout the Middle East.

Israel's neighbors could benefit greatly by accepting that offer.

After all, men and women from around the world have traveled to Israel to study and to prepare themselves for service to their own countries.

Instructors from Israel have also traveled—to more than 60 nations in Africa, in Asia, in Latin America.

They have provided technical assistance in the areas of farming, and transportation, and medical care.

How fruitful the investment in peace could be, compared to the price of war.

Amidst the constant hazard of battle, Israel has continued working to fulfill a dream of redemption.

Your support—both moral and financial through the sale of Israel bonds—has been indispensable to the survival of that dream.

And I have decided to see for myself in January what President Truman once called "the remarkable progress made by the new State of Israel"—progress which reveals the beauty and the wisdom of that dream of redemption, progress from which America herself might learn.

It is with a sense of great anticipation that I now repeat the words,

"Next year—in Jerusalem."

LESSON OF THE CENSUS

Mr. BAKER. Mr. President, the Memphis Press-Scimitar of December 2 contains an editorial entitled "Lesson of the Census." As a Tennessean, I found the editorial quite inspirational. I invite the attention of Senators to it. I ask unanimous consent that the editorial be printed in the RECORD.

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

LESSON OF THE CENSUS

The chief lesson to be learned from the 1970 Census reports involves the fact that the 50 states, while united politically, are competing mercilessly with each other in an economic way.

Tennessee will lose one of its nine seats in the House of Representatives in 1972. That means our state will have a weaker voice in the House. It also means we will have only 10 electoral votes to cast for president and vice president, instead of the 11 we now have.

And, getting down to hard cash, Tennessee's population-standing in relation to other states means we will get less in federal money, since it is distributed largely on the basis of population. Tennessee gained about 10 per cent in population between 1960 and 1970, but the national average gain was 13.3 per cent.

Reduction in our share of federal money will, for instance, hit Tennessee educational budgets hard. Already we are near the bottom of the 50-state list in money spent on education. This undoubtedly has been an important factor in our population lag. People want the best for their children: hence tend to go where the schools are better. Industries looking for new sites are likely to shy away from moving their personnel into states which rank low in education.

Our own children, growing up, find themselves at a disadvantage in competing with children growing up in states that provide better education. So many of the brightest and most ambitious of them move to other states to give their own children a better chance than they had. And many of Tennessee's best teachers are wooed away by states that pay better salaries than we do.

Thus we fail to keep up with other states in population gain—and thus we get less money from the federal treasury, and our schools fall behind still more.

It's a vicious circle.

A member of our staff remarked facetiously on seeing the news that Tennessee is to lose a House seat: "Well, I guess we've got to make up our mind which we'd rather have—more congressmen or fewer children."

But it isn't that simple.

Somehow we have got to make our state more attractive—educationally, industrially and as a tourist-drawing area—in order to hold our own in competition with other states. We've got to do a bootstrap-lifting job with our thinking, our effort—and our own money. Otherwise we will sink still lower in relation to other states.

Fortunately, we have advantages in natural resources, including scenic attractions, climate and power sources, which we have hardly begun to make the most of. We are strategically located for transportation by land, by water and by air. And our human resources are high in quality despite depletion of our numbers by emigration for more than a hundred and fifty years.

It is ironic that in times when population explosion is beginning to be recognized as a threat to the welfare of the world and the country, the states that don't "explode" are penalized.

But as long as population keeps growing in this country, Tennessee must compete for a share of it big enough to keep us afloat educationally and industrially.

Those are the hard facts that Governor-Elect Winfield Dunn, the Democrat-controlled Legislature and our senators and representatives in Congress must face—and resolve somehow to the benefit of the state.

Indeed, they are facts which all of us, individually and as a people, must face—and lick. We believe Tennesseans can do it.

THE COST OF CONTROLLING POLLUTION

Mr. BAKER. Mr. President, a most difficult problem facing the American society today is how the cost of controlling pollution will be borne. One of the most thoughtful articles I have read on this subject is by Edwin L. Dale, Jr., of the New York Times. I ask unanimous consent that the article, entitled "The Economics of Pollution," be printed in the RECORD.

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

THE ECONOMICS OF POLLUTION

(By Edwin L. Dale, Jr.)

Now that environment has become a national concern, it might be well to clean up some of the economic rubbish associated with the subject. There are, alas, a few "iron laws" that cannot be escaped in the effort to reduce the pollution of our air and water, in disposing of solid waste and the like. The laws do not necessarily prevent a clean environment, but there is no hope of obtaining one unless they are understood.

We have all become vaguely aware that there will be a cost—perhaps higher monthly electric bills, perhaps higher taxes, perhaps a few cents or a few dollars more on anything made from steel—if there is a successful and massive effort to have a better environment. But that is only a beginning. There are other problems.

This article will describe the three iron laws that matter. There is no point in hiding that all three are very depressing. The only purpose in adding more depressing information to a world already surfeited with it is a small one: to avoid useless effort based on false premises. A classic example has already arisen in wistful Congressional inquiries into whether we might think of a future with somewhat less electric power, or at least less growth in electric power.

In shorthand, the three laws are:

(1) The law of economic growth.

(2) The law of compound interest.

(3) The law of the mix between public and private spending.

THE LAW OF ECONOMIC GROWTH

Whether we like it or not, and assuming no unusual increase in mass murders or epidemics, the American labor force for the next 20 years is already born and intends to work. It is hard for any of us—myself included—to imagine a deliberate policy to keep a large portion of it unemployed. But that simple fact has enormous consequences.

For more than a century, the average output of each worker for each hour worked has risen between 2 and 3 percent a year, thanks mainly to new machines, but also to better managerial methods and a more skilled labor force. This increase in what is called productivity is by far the most important cause of our gradually rising standard of living—which, pollution aside, nearly all of us have wanted. In the simplest terms, each worker can be paid more because he produces more and consumes more because he earns more. Inflation only increases the numbers and does not change the facts. Machines increase the productivity of an auto worker more than a barber, but both rightly share, through the general rise in real income, in the expansion of productivity in the economy as a whole.

It is difficult to conceive of our society or any other wanting to halt the rise in productivity, or efficiency, which has made real incomes higher for all of us. But even if "we" wanted to, in our kind of society and economy "we" couldn't. The profit motive will almost always propel individual daily decisions in the direction of higher productivity. A business will always buy a new machine if it will cut costs and increase efficiency—and thank goodness! That is what has made our standard of living—and we do enjoy it—rise.

It is not a matter of enjoying it, however. By any fair test, we are not really affluent; half of our households earn less than $8,500 a year. Apart from redistributing income, which has very real limits, the only way the society can continue to improve the well-being of those who are not affluent—really the majority—is through a continued increase in productivity. Anyone who wants us to go back to the ax, the wooden plow, the horse carriage and the water wheel is not only living a wholly impossible dream, he is asking for a return to a society in which nearly everybody was poor. We are not talking here about philosophical ideas of happiness, but of what people have proved they want in the way of material things. This society is not about to give up productivity growth. But every increase in productivity adds to output. Now consider the next step:

We can count on the output of the average worker to continue to rise in the years ahead, as it has in the past. Nearly all current forecasts put this rise in productivity much closer to 3 per cent than to 2, and 3 per cent has been our average in the years since World War II. So without any change

in the labor force at all, our national output will go on rising by some 3 per cent a year.

What does output mean?

It means electric power produced—and smoke produced.

It means cans and bottles produced.

It means steel produced—and, unless something is done about it, water and air polluted.

It means paper produced—with the same result as for steel.

And so on and on.

But that is not the end, for there will not be a static labor force. As noted, the force for the next 20 years is already born and it is going to grow year by year (with a caveat, to be described below).

Obviously, we want to offer these people employment opportunity. So, in addition to a 3 per cent productivity growth, there will be an added growth of at least 1 per cent a year in the number of workers. The result is that we are almost "condemned" to a rise in our total output of 4 per cent a year. The only escape, it seems, would be a national decision either to have high unemployment or to try to be less efficient. Both are absurd on their face.

The law of economic growth says, then, that we already know that the national output in 1980 will be, and almost must be, some 50 per cent higher than it is now. President Nixon has said so publicly, and he is right. That is the result of an annual rate of real growth of about 4 per cent, compounded. It is terrifying. If an economy of $900-billion in 1969 produces the pollution and clutter we are all familiar with, what will an economy half again as large produce?

Is there no escape from this law? The answer, essentially, is no. But there is one possible way to mitigate the awesome results. We might reduce the labor input (but, we hope, not the productivity input), without creating mass unemployment.

Each working person has a workday, workweek, workyear and worklife. Any one of them could be reduced by law or otherwise. We could reduce the legal workweek from the present 40 hours. We could add more holidays or lengthen vacations to reduce the workyear. We are already shortening the worklife, without planning it that way: increased participation in higher education has meant later entry into the labor force for many, and retirement plans, including Social Security, have brought about earlier retirement than in the past for others.

If, by chance or by law, the annual man-hours of employment are reduced in the years ahead, our output will grow a little less rapidly. This is the only way to cut our economic growth, short of deliberate unemployment or deliberate inefficiency.

There is a cost. It is most easily seen in a union-bargained settlement providing for longer vacations without any cut in annual wages, or a legal reduction in the workweek from 40 to 35 hours, with compulsory overtime payments after that. In each case, more workers must be hired to produce the same output, and if the employer—because of market demand—goes on producing at the same level, wage costs for each unit of output are higher than they otherwise would have been. Prices will therefore be higher. This is widely recognized. Maybe we would be willing to pay them.

But we cannot guarantee less output. Only if employers produce less—because of the extra cost—would that happen. And in the larger sense, the cost of a reduction of our annual labor input is simply less production per capita because the labor force is idle more of the time.

But less production was the objective of the exercise—the antipollution exercise. If we start with the proposition that the growth of production is the underlying cause of pollution, which has merit as a starting point, the only way we can get less growth in production, if we want it, is to have more of our labor force idle more of the time. In that case, we will have more leisure without mass unemployment, as we usually think of the term. Our national output, and our standard of living, will rise less rapidly.

That last idea we may learn to take, if we can cope with the leisure. But under any foreseeable circumstances, our output will still go on rising. With the most optimistic assumptions about a gradual reduction of the workday, workweek, workyear and worklife, we shall undoubtedly have a much higher output in 1980 than we have in 1970. To a man concerned about the environment, it might seem a blessing if our economic growth in the next 10 years could be 2 per cent a year instead of 4 per cent; he cannot hope for zero growth.

The law of economic growth, then, tells us a simple truth: "we" cannot choose to reduce production simply because we have found it to be the cause of a fouled environment. And if we want to reduce the rate of growth of production, the place to look is in our man-hours of work.

THE LAW OF COMPOUND INTEREST

It is a fair question to ask: Why weren't we bothered about pollution 12 or 15 years ago? In October, 1957, to pick a date, the Soviet Union sent the first earth satellite into orbit. The American economy had just begun a recession that was to send unemployment to 7 per cent of the labor force. The late George Magoffin Humphrey, who had just resigned as Secretary of the Treasury, was warning of what he saw as vast Government spending, at that time $77-billion, and saying it would bring "a depression that would curl your hair." There were plenty of things to think about.

But nobody was worried about pollution. Conservation groups were properly bothered about parts of the wilderness (the Hell's Canyon Dam in Idaho, for example), but that was an entirely different thing. That was an issue of esthetics, not health. Nobody seemed to mention air pollution or waste that might overwhelm the space in which to put it. In a peculiarly sad irony, the late Adlai E. Stevenson had fought and lost an election against Dwight D. Eisenhower in 1956 partially on a "pollution" issue—radiation in the atmosphere from the explosion of atomic weapons.

The question, to repeat: Why didn't we worry about pollution then? The answer is that, relatively speaking, there was no pollution. Yes, there were electric power plants then, too. Yes, there were paper mills polluting streams. Yes, there were tin cans and paper and bottles. Some snowflakes, though we didn't know it, were already a bit black, and Pittsburgh got national attention because it tried to do some cleaning up.

But here we come to the law of compound interest. In 1957—*only* 13 *years ago*—our gross national product was $453-billion. In 1969, in constant dollars, it was $728-billion. That is an increase of nearly $300-billion in tin cans, electric power, automobiles, paper, chemicals and all the rest. It is an increase of 60 per cent.

So what? That was not the result of an unnaturally rapid growth rate, though a bit more rapid than in some periods of our past. The *so what* is this: in the preceding 13 years the growth had been *only $100-billion*. We were the same nation, with the same energy, in those preceding 13 years. We invested and we had a rise both in productivity and in our labor force. But in the first 13 years of this example our output rose $100-billion, and in the second 13 it rose $300-billion.

In the next 13 it will rise more than $500-billion.

That is the law of compound interest. These are not numbers; they are tin cans and smoke and auto exhaust. There is no visible escape from it. Applying the same percentage growth to a larger base every year, we have reached the point where our growth in one year is half the total output of Canada, fully adjusting for inflation. Another dizzying and rather horrifying way of putting it is that the real output of goods and services in the United States has grown as much since 1950 as it grew in the entire period from the landing of the Pilgrims in 1620 up to 1950.

Most investors know the law of compound interest. There is a magic rule, for example, known as the Rule of 72. It says, with mathematical certainty, that money invested at a 7.2 per cent rate of interest, compounded each year, doubles in 10 years. Our G.N.P., happily, does not compound at 7.2 per cent. But it compounds at between 4 and 5 percent, and it has been compounding. The result is that the same routine, full-employment, desirable, nationally wanted, almost unavoidable percentage increase in our national output in 1970 means precisely twice as many extra tin cans, twice as much additional electric power, and so on, as the same rate of growth in 1950. And that is only 20 years ago! We are not doing anything different, or anything awful. We are the same people. Granting approximately the same amount of human carelessness and selfishness, we are the victims solely of the law of compound interest.

THE LAW OF THE MIX BETWEEN PUBLIC AND PRIVATE SPENDING

Robert S. McNamara, the eternally energetic and constructive former Secretary of Defense and now president of the World Bank, gave a speech in February about the plight of the poor countries. In the speech he understandably criticized the United States for reducing its foreign aid effort. But in supporting his point he adopted, almost inadvertently, a piece of partly fallacious conventional wisdom:

"Which is ultimately more in the nation's interest: to funnel national resources into an endlessly spiraling consumer economy—in effect, a pursuit of consumer gadgetry with all its senseless by-products of waste and pollution—or to dedicate a more reasonable share of those same resources to improving the fundamental quality of life both at home and abroad?"

Fair enough. It means tax increases, of course, though Mr. McNamara did not say so. That is what the "mix" between public and private spending is all about. But for our purposes the point is different. Let us look more closely at the phrase: ". . . a pursuit of consumer gadgetry with all its senseless by-products of waste and pollution . . ."

As it stands, it is true. Private consumption does create side effects like waste and pollution. But now, assume a Brave New World in which we are all happy to pay higher taxes and reduce our private consumption so that the Government may have more money with which to solve our problems—ranging from poor education to poverty, from crime to inadequate health services. We shall not examine here the issue of whether more Government money solves problems. It is obviously more effective in some areas than in others. But anyway, in our assumption, we are all willing to give the Government more money to solve problems, including pollution.

Now let us see what happens.

The Government spends the money to reduce pollution. Sewage plants are built. They need steel. They need electric power. They need paperwork. They need workers. The workers get paid, and they consume.

The Government spends the money on education. New schools are built, which need steel, lumber and electric power. Teachers are hired. They get paid, and they consume. They throw away tin cans.

The Government spends the money on a better welfare system that treats all poor people alike, whether they work or not. Incomes

among the poor rise by some amount between $4-billion and $20-billion, and these people consume. Electric power production rises and appliance and steel production rises, and so on and on.

The point is obvious by now. A shifting in our national income or production between "public goods" and "private goods" hardly changes the environment problem at all because it does not reduce total spending, or output, in the economy.

Lest a careful economist raise a valid objection, a slightly technical point must be conceded here. Government spending is done in three categories:

Purchase of goods (tanks, typewriters, sanitation trucks and school buildings).

Transfer payments to people outside government (Social Security, veterans' benefits, welfare).

Purchase of services, meaning the services of the people it employs (teachers, policemen, park rangers, tax collectors).

To the extent that a shift to more public spending, through higher taxes and a resulting reduction of private consumption, involves the first two of these categories, the point stands as made: there will be just as much production of steel, tin cans, electric power and toasters as before. To the extent that the higher public spending goes to the third category, employment of more teachers, policemen and the like, there will be slightly less production of goods, even though these people spend their paychecks like everyone else. Essentially what happens in this case is that the society has chosen, through higher taxes, to have more services and fewer goods. If we assume that goods production brings pollution, a society with fewer auto- or steelworkers and more cops will crank out less pollution.

But this remains a relatively minor matter. Hardly anyone who proposes a solution to our problems thinks in terms of vast armies of Government workers. Reforming welfare through the President's new family-assistance plan is the perfect example; this will be a simple expansion of transfer payments. And, for that matter, building more sewage plants will be a purchase of goods. The overriding fact is that we can spend 30 per cent of our G.N.P. for public purposes, as we do now, or 50 per cent, and the G.N.P. will still be there. The law of compound interest will apply, forcing the G.N.P. upward. To the extent that the environment problem is caused by ever-expanding output, the third law says that it will not be essentially changed by altering the mix between private and public spending.

CONCLUSION

Three nice, depressing laws. They give us a starting point for any rational discussion of the environment problem. Our output is going to go on growing and growing under any conceivable set of choices we make.

But the starting point does not mean despair, it simply means that trying to solve the problem by reducing output or the growth of output is waste of time and energy. It won't and can't work.

How is the problem solved then? The purpose here is not, and has not been, to solve any problems. It has been to try to head off useless solutions. But a few things can be said:

There is, first, technology itself. The very energy and inventiveness that gave us this rising output—and got us to the moon—can do things about pollution. A fascinating case is the sulphur dioxide put into the air by coal-burning electric power plants. A very strong argument can be made that under any foreseeable circumstances we will have to burn more and more coal to produce the needed growth of electric power. And the ground does not yield much low-sulphur coal. Thus, somebody is going to have to have the incentive to develop a way to get the sulphur out before it leaves the smokestack; and if this costs the utilities money, the regulatory commissions are going to have to allow that cost to be passed along in electric bills.

Next, there is the related idea—being increasingly explored by economists, regulators and some legislators—of making antipollution part of the price-profit-incentive system. In simplest terms, this would involve charging a fee for every unit of pollutant discharged, with meters used to determine the amount. There would be an economic incentive to stop or reduce pollution, possibly backed up with the threat to close down the plant if the meter readings go above a specified level. The company—say a paper company—would be faced with both a carrot and a stick.

There is also the simple use of the police power, as with poisonous drugs, or, lately, D.D.T. It is the "thou shalt not" power: automobiles can emit no more than such-and-such an amount of this or that chemical through the exhaust pipe. Once again, if the engineers cannot find a way out, the car simply cannot legally be sold. There will be, and should be, all sorts of debate "at the margin"—whether the higher cost of the different or improved engine is worth the extra reduction of pollution. The argument exists now over D.D.T.; there are clearly costs, as well as benefits, in stopping its use. But "thou shalt not" power exists.

Finally, there are many possibilities for using a part of our public spending for environmental purposes. Sewage plants are the obvious case. President Nixon has proposed a big expansion of the current level of spending for these plants, though not as much as many interested in clean water—including Senator Edmund Muskie—would like to see.

In this case, and only in this case a greater effort at curing pollution must be at the expense of some other Government program unless we pay higher taxes. It is proper to point out here the subtle dimensions of the issue. There are all sorts of possible gimmicks, like tax rebates for antipollution devices for industry and federally guaranteed state and local bonds. One way or another, spending more for pollution abatement will mean spending that much less for something else, and the something else could mean housing or medical services. Every local sewage plant bond sold means that much less investment money available for mortgages, for example.

A final reflection is perhaps in order, though it is almost banal. Our rising G.N.P. gives us the "resources" to do the antipollution job. These resources include rising Government receipts. Our technology, which has given us the rising G.N.P., might find the way out of one pollution problem after another—and they are all different.

But, in the end, we cannot be sure that the job will be done. Growth of total output and output per capita will continue. The long-term relief is perfectly obvious: *fewer "capita."* That sort of "solution" might help, in our country, by about 1990. If we survive until then, the law of compound interest will be much less horrifying if the population is 220 million instead of 250 million.

FAT AND HEART DISEASE

Mr. McGOVERN. Mr. President, at the conclusion of my remarks, I ask unanimous consent to have printed in the RECORD a letter I sent today to Dr. Charles Edwards, Commissioner of the Food and Drug Administration, regarding the problem of fat in the diet and heart disease. The letter followed reports published today in the New York Times of recommendations by a prestigious national commission that FDA permit fat labeling by content to encourage consumption of more unsaturated fats and engage in long-term mass testing to determine the actual results on health of such a diet.

I communicated my concern to Commissioner Edwards about this matter because as chairman of the Select Committee on Nutrition and Human Needs, I heard testimony a year and a half ago by distinguished physicians whose recommendations at that time paralleled the Commission's recommendations today. A year ago, the White House Conference on Food, Nutrition, and Health essentially urged the same kind of action. As yet, FDA has taken no steps to implement the recommendation. I understand that it now has a petition before it to do just that. I urge Commissioner Edwards to act immediately.

I also ask unanimous consent that the articles from today's New York Times be printed in the RECORD.

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

U.S. SENATE, SELECT COMMITTEE
ON NUTRITION AND HUMAN NEEDS,
Washington, D.C., December 16, 1970.

Hon. CHARLES EDWARDS,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. EDWARDS: I am writing to you in regard to reports published today on recommendations issued by the Intersociety Commission for Heart Disease Resources. The Commission, consisting of 115 leading American medical and nursing personnel, recommended an extremely important change in nutrition policies by the government which would very likely contribute to a dramatic decrease in the incidence of death by heart disease in the United States. Specifically, the Commission recommended a change in your agency's policies regarding the labeling of fat content in foods and an emphasis on the consumption of products prepared with unsaturated fats. The Commission also recommended a federally sponsored, long term study to determine once and for all the role of saturated fats in heart disease in the United States.

I am especially interested in the Commission's recommendations because, about 18 months ago the Senate Select Committee on Nutrition and Human Needs, of which I am chairman, heard testimony from distinguished physicians describing the enormous nature of the problem of heart disease in this country. At that time, these physicians made recommendations almost exactly the same as the Intersociety Commission has now made. I had the opportunity to question before the Committee your predecessor, Dr. Herbert Ley, regarding FDA's apparent unwillingness to permit food labeling by fat content and to engage in a massive long term study to scientifically determine the effects of fats in the diet.

It became apparent during the Committee's hearing that one of the agency's reasons for failing to move forward on the matter was its fear of becoming embroiled in conflicting pressures from elements of the food industry. I expressed the opinion at that time that such considerations, potentially a matter of life and death for millions of Americans, were unconscionable and I further urged the FDA to act speedily on this matter.

That was 18 months ago. Since that time, 75,000 Americans, among them three times as many men as women, have died prematurely as a result of heart connected illnesses. Heart disease is the primary killer of middle-aged American men. The cost to the country and to the individual families of each one of these deaths is incalculable. If anything

can be done to prevent this national and these individual tragedies from continuing, it should be done and done now. I believe the Intersociety Commission's recommendations should be implemented immediately. I understand that you now have before you a petition filed by James Turner of the Center for Responsive Law, and F.A.T.S., a group of George Washington Law students, to implement the recommendations. I am sure you are also aware that the White House Conference on Food, Nutrition and Health essentially supported such recommendations. I hope you will see fit to act favorably on them very soon.

Sincerely yours,

GEORGE MCGOVERN,
Chairman.

[From the New York Times, Dec. 16, 1970]

FEDERAL HEART PANEL ASKS PUBLIC TO EAT FEWER FATS

(By Jane E. Brody)

A national commission of medical experts recommended in a report released yesterday that Americans make "safe and reasonable" changes in their diets to lower blood cholesterol levels in the hope of stemming the current "epidemic" of heart disease.

At the same time, the commission urged the immediate adoption of a national policy committed to the primary prevention of premature atherosclerosis and its attendant cardiovascular diseases.

Of the 600,000 American deaths attributed to heart disease each year, 165,000 are "premature" deaths occurring in persons under the age of 65. Men are three times more likely than women to be the victims of premature coronary death.

The dietary changes recommended yesterday a halving of the current average daily consumption of cholesterol and saturated fats and a substantial reduction in total fat intake.

To achieve this, the commission advised Americans to cut down on egg yolks, butter fat, fatty meats, organ meats, shellfish and fat-rich baked goods and candies and to substitute wherever possible products prepared with unsaturated fats. Most vegetable oils are unsaturated.

The commission's recommendation was based on a large body of data gathered from both animal and man that suggest that changes in the typical fat-rich American diet can help prevent or at least delay cardiovascular diseases.

Noting that definitive evidence linking dietary fats and cholesterol to human heart disease is not available, the commission called for large-scale, long-term, Government-sponsored studies to determine once and for all the effect that changes in diet and other factors may have on the nation's slowly rising coronary mortality rate.

Such a study would involve perhaps 100,000 persons followed for five to 10 years at an estimated cost of $50-million to $100 million.

The commission said that it was recommending a change in diet despite the lack of definitive evidence because "the American public would probably have to wait at least 10 years for the results of these studies [and] at times urgent public health decisions must be made on the basis of incomplete evidence."

OTHER "RISK FACTORS"

In addition to diet and its effect on blood fat levels, the commission singled out high blood pressure and cigarette smoking as the major "risk factors" leading to premature heart disease and coronary deaths. Accordingly, the report recommended an "orderly phasing out" of the cigarette industry with strict restraints on the sale and advertising of cigarettes and a major national effort to detect and treat victims of high blood pressure.

The commission, consisting of 115 leading American medical and nursing personnel, was set up under the Regional Medical Programs to formulate policy guidelines to prevent prelabeling laws to permit manu- * * * mature heart disease and improve care of coronary patients.

Under the chairmanship of Dr. Irving Wright, professor emeritus at Cornell University, and the direction of Dr. Donald T. Frederickson, the commission will produce a series of reports in the coming months on other aspects of coronary care.

The current report, considered the commission's effort, was discussed at a news conference at the Biltmore Hotel here yesterday. The full report will be published in this month's issue of the journal, Circulation.

Dr. Frederickson summarized the commission's dietary recommendations as follows:

The current American diet, which draws about 40 per cent of its calories from fat, should be cut down to include no more than 35 per cent fats; the saturated fat level, currently at 16 to 20 per cent, should be cut in half, and the cholesterol level, currently at 600 to 750 milligrams a day, should be no more than 300 milligrams daily.

Foods high in cholesterol include egg yolks and dairy and animal fats.

At the same time, Dr. Frederickson said, intake of polyunsaturated fats (the oils of corn, peanuts, soybeans and the like), which currently averages 7 per cent of calories, should not exceed 10 per cent. The remaining dietary fats should come from monounsaturated fats like olive oil.

CHANGE IN STANDARDS

According to Dr. Frederick H. Epstein, epidemiologist at the University of Michigan, such a dietary change "can lower serum cholesterol by 10 to 15 per cent."

"At a conservative estimate," he said, "such an effect on serum cholestrol might lower the incidence of coronary heart disease by as much as 30 per cent."

To help Americans achieve this dietary change, the commission urged that Federal food standards be changed to permit the sale of processed meats and dairy products in which unsaturated fats substituted for saturated fats. Under current standards, for example, milk that has part or all of its butter fat replaced by vegetable oil must be called "imitation milk."

The commission also called upon the Food and Drug Administration to change its * * * facturers to list the exact fat contents of their products so that Americans would have a better idea of what they were eating in the way of fats and cholesterol.

Other risk factors that the commission linked to premature heart disease were diabetes, obesity, sedentary living, a family history of heart disease and possibly "psychological tensions."

TYPICAL FAT-RICH AMERICAN DIET HAS LONG BEEN SUSPECT IN HEART DISEASE STUDIES: BUT ROLE OF DIETS IN MAN IS UNCLEAR

In 1908 a group of Russian researchers discovered that rabbits developed hardening of the arteries after eating a diet laden heavily with saturated fats and cholesterol.

Since then, the relationship between a diet high in saturated fats and cholesterol and the artery-clogging disease called atherosclerosis has been demonstrated over and over again in virtually every species of laboratory animal. In monkeys, the long-term result of such a diet is sometimes a fatal heart attack.

For man, however, there have been no studies to define clearly the role that diet may play in the nation's heavy incidence of heart disease.

The recommendation made yesterday that Americans adopt a diet low in saturated fats and cholesterol is based mainly on the extensive evidence gathered in lower animals and on a wide variety of indirect human studies that point a finger at the typical fat-rich American diet as a leading cause of atherosclerosis and fatal heart attacks.

THE EFFECT OF FAT

Cholesterol is a tasteless, odorless fatty alcohol that forms the main constituent of plaques on the artery walls that are known as atherosclerosis. Saturated fats, which are hard at room temperature (saturation refers to the inability of the molecule to accept any more hydrogen atoms than it already has), tend to raise the level of cholesterol in the bloodserum.

The higher the serum cholesterol level, it is believed, the more likely that atherosclerotic plaques will form. The plaques narrow the opening of the arteries and reduce their elasticity. This slows blood flow and increases the likelihood that clots will form and lodge in the narrowed arteries. The result is a heart attack or stroke.

Autopsy studies of more than 31,000 persons aged 10 to 69 who died in the early nineteen-sixties in 15 cities throughout the world disclosed that people in countries where the diet was typically high in saturated fats had more severe hardening of the arteries than people from countries with low saturated fat diets.

In this investigation, the people autopsied in the United States showed the most severe atherosclerosis.

12,000 MEN STUDIED

In a diet survey involving 12,000 initially healthy middle-aged men in seven countries who were followed for 10 years, the mortality rates attributed to heart disease were closely correlated with the amount of saturated fat in the daily diet. With little variation, the more saturated fat in the diet the higher were the observed coronary death rates among the populations studied.

In east Finland, for example, where 22 per cent of dietary calories consist of saturated fats, the coronory death rate over a five-year period was 220 for each 10,000 men. In contrast, in Japan, where saturated fats make up only 3 per cent of the daily caloric intake, the coronary death rate was 20 for each 10,000.

Among American railroad employes, whose diet, consisting of 17 per cent saturated fats, is fairly typical of the nation as a whole, the coronary death rate was 185 for each 10,000.

Other factors, including heredity, are thought to modify the effects of diet on serum cholesterol levels and heart disease rates. But the experience of migrants from countries with low coronary death rates indicates that diet is a critical factor.

For example, as the Japanese diet became more Westernized with migration from Japan to Hawaii to California, the average cholesterol levels of middle-aged men rose from 160 to 210 to 245 milligrams for each 100 milliliters of blood serum, and the incidence of heart disease rose expotentially. The average middle-aged American male has a serum cholesterol level of 230 milligrams.

SMALL STUDIES CITED

A number of relatively small studies here and abroad have indicated that lowering the total fat in the diet and substituting unsaturated for saturated fats wherever possible can effectively lower the serum cholesterol levels in most people.

The two-year National Diet-Heart Feasibility Study showed, for example, that a low saturated fat diet such as was recommended yesterday could effect a 10 to 15 per cent reduction in serum cholesterol levels of middle-aged men.

Recently, lay reports of the 20-year Framingham Study disclaimed the influence of diet on serum cholesterol. However, Dr. William B. Kannel, director of the study, said that there was simply too little variation in the fat intake of the Framingham population to demonstrate an effect of diet on cholesterol levels.

"The men in Framingham, like American men as a whole, consume such an overload of fat that slight variations in fat intake are not reflected in different cholesterol levels," Dr. Kannel said.

Studies in experimental animals have shown that early atherosclerotic plaques will dissolve if the animals are placed on a fat-restricted diet. A few small but long-term human studies have indicated that changing the diet to lower serum cholesterol can also lower the risk of heart disease.

In one eight-year study of 846 elderly veterans in Los Angeles, the coronary mortality rate among men on a diet low in saturated fats was half that of men eating their regular American diet. However, this study, and others like it, lacked statistical significance and had several loopholes in its design.

HEART STUDY GROUP USES U.S. FUNDS

(By Nancy Hicks)

The Intersociety Commission for Heart Disease Resources, which yesterday called for a drastic reduction in the fat content of the American diet as a means of combating premature heart disease, is a federally funded organization of more than 100 experts in cardiovascular disease, epidemiology, radiology, rehabilitation and surgery.

The national commission was set up more than two years ago with funds from the Regional Medical Programs of the Department of Health, Education, and Welfare.

The report released yesterday was the ninth by the commission, which plans to release 21 more before it dissolves next September.

20 DRAFTS

The document went through 20 different drafts before it reached its final form. Each time, copies were sent to critics for their comments and opinions.

The procedure was coordinated by Dr. Donald T. Frederickson, project director of the commission.

"Heart disease is the major cause of disability in this country," Dr. Frederickson said yesterday in explaining the commission's goals. "This factor is much more important than the death factor.

"If a middle-aged man develops a heart attack, he can become a burden to his family and his community. He will live for 15 years at a much diminished capacity.

"It's foolish to talk about wiping out heart disease. We're never going to do that. People have to die of something, and it probably will be heart disease. But we are trying to keep a person healthy through his middle years and into retirement," he said.

DIRECTED HARLEM PROGRAM

Dr. Frederickson, 36 years old, joined the commission during its formation after serving for three years as the director of the health program in Harlem and as the director of a smoking control program for the New York City Department of Health.

He spent four years with a heart disease control program of the United States Public Health Service after graduating from Cornell Medical School. He also served as a Peace Corps physician in Pakistan.

He was in part responsible for the 1966 change in television advertising policy that granted $70-million of free air time to responsible health groups that opposed cigarette smoking.

Based on the information in yesterday's reports, law students are petitioning the Food and Drug Administration to change the labeling policies for fats and oils.

LETTER FROM SENATOR MAGNUSON

Mr. PEARSON. Mr. President, the distinguished chairman of the Senate Commerce Committee (Mr. MAGNUSON) has been one of the most widely respected and effective Members in the history of the U.S. Senate. A leader on many fronts, he has personally guided much of the landmark legislation of the past decade ranging from civil rights to transportation to consumer protection. In fact, as author of "Dark Side of the Marketplace" and as the committee chairman who first invited a young man by the name of Ralph Nader to testify, he has accurately been credited as one of the founders of the consumer movement.

When he discovered that Republican members of his committee were being falsely accused of trying to defeat a piece of consumer legislation, S. 1575, the Hart bill, Senator MAGNUSON, though a national figure in the Democratic Party and a strong supporter of S. 1575, was seriously disturbed. On his own initiative, he sent the following letter to Mr. John L. Rose, editor of the Journal of Kansas Pharmacy, forwarding a copy of it to me.

Mr. President, with Senator MAGNUSON's permission, I ask unanimous consent that this letter be printed in the RECORD. Because of its clarity, and because of the integrity of its author, I submit it for the Senate's consideration.

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

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., December 15, 1970.

Mr. JOHN L. ROSE,
Editor, Journal of Kansas Pharmacy,
Topeka, Kans.

DEAR MR. ROSE: Your editorial accusing Senator Pearson of participating in a boycott of Committee executive sessions on S. 1575 (The Regulation of Trade in Drugs Act) has been brought to my attention and greatly disturbs me. I have investigated the supposed statements and facts leading up to the accusation that the Republicans on this Committee boycotted the executive session, and I have found the report totally without substance.

Senator Pearson has been a responsible member of this committee. He has never, within my experience, been a party to any scheme to prevent the Committee from acting on S. 1575 or any other bill. He has expressed his support for S. 1575 and has been as conscientious in his attendance at Committee meetings as any member. I would hope that you would rectify your unsubstantiated and unjust accusation.

Thank you.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

LET US GIVE HIM A CHANCE

Mr. HANSEN. Mr. President, in their effort to find something wrong with the President's appointment of John Connally, of Texas, as the new Secretary of the Treasury, the Nation's pundits are cluttering the media with confusing accusations that this is strictly a political appointment. It is time we had a little sense.

As the new Secretary of the Treasury, the President needed a forceful and aggressive man who could explain his economic policies to the Nation, and who would enjoy good relations with Congress. Because the President's proposals for revenue-sharing will be a vital part of the Secretary's job, he needed a man who has wide experience in Government. Because the President wishes bipartisanship in his administration, he needed a man who was strongly identified with the Democratic Party.

Governor Connally fills the bill on all these counts. But because he comes from a State which has 26 electoral votes, the so-called political experts have zeroed in on this as the determining factor in making the appointment.

His credentials as an effective, knowledgeable, forceful Cabinet officer were well established earlier in this decade. His record as Secretary of the Navy is a proud one; his performance as a three-term Governor of Texas earned him the admiration and respect of his Democratic and Republican colleagues of which I was one.

While there will continue to be political sniping by some, I firmly believe that all those who are more interested in the progress we can make as a nation than in their own political fortunes will applaud this appointment.

IT COULD NOT BE DONE

Mr. JAVITS. Mr. President, I am pleased to bring to the attention of Senators a commercial television program which turned out to be a potent instrument of international good will, and shows an important side of the American character to millions of people all over the world.

Last April the American Telephone & Telegaph Co. presented Lee Marvin in "It Couldn't Be Done." This television tribute to American courage and foresight saluted the builders of the Brooklyn Bridge, the Holland Tunnel, Mount Rushmore Memorial, and many other monuments to American perseverance against virtually insuperable obstacles. It was endorsed by the National Education Association as well as the General Federation of Women's Clubs, and attracted some 30 million viewers. It also attracted the interest of the U.S. Information Agency.

Under the auspices of USIA, "It Couldn't Be Done" is now being prepared in 30 languages for showing in 120 countries. I understand that virtually all members of the European Broadcasting Union have declared their intention of scheduling the program in prime time in their respective countries, fully aware that the program is a frank—but accurate—paean of praise for the United States; and that Portugal and Japan have already broadcast the program in prime time to high praise from the critics and general public alike.

So much interest in the feature has been generated in this country that A.T. & T. on behalf of its Bell System Family Theater will rebroadcast "It Couldn't Be Done" on NBC–TV on February 9 at 7:30 p.m.

I ask unanimous consent that an article entitled "Portuguese Acclaim U.S. TV Show," which describes the impact of "It Couldn't Be Done" in Portugal, written by the dean of radio and television editors, Ben Gross, of the New York Daily News, be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

PORTUGUESE ACCLAIM U.S. TV SHOW

(By Ben Gross)

It's a place where you can buy a made-to-measure shirt for about $3; a fine sports jacket and slacks for $15; stay at a tourist inn, with three meals for two for less than $10 a day; a land where flowers bloom throughout the year in the spring-like climate. The name of this paradise is Portugal . . . the bargain country of the world today.

There, on the national TV network, I saw again the prize-winning documentary, "It Couldn't Be Done," under the auspices of the United States Information Service. It was hailed with enthusiasm by the Portuguese viewers and critics of the press.

The special, starring Lee Marvin as host-narrator, is a lyrical paean to American enterprise exemplified in the building of the Panama Canal, the Empire State Building and other marvels that once drew from the cynics the comment, "It Couldn't Be Done." In Lisbon a first-rate Portuguese commentator presided over the telecast.

Originally seen over NBC on April 2, of this year, it will be shown again over the NBC-TV network on Tuesday, February 9, 7:30 p.m., under the sponsorship of the American Telephone and Telegraph Company as a feature of its Bell System Family Theater series.

NEWSWORTHY TELECAST

The Portuguese televising was newsworthy for two principal reasons. It was the premiere showing abroad—it will eventually be seen in 120 foreign countries, dubbed into 30 languages—as a result of the enterprise of the United States Information Agency, the parent organization of the USIS, headed by director Frank Shakespeare. Secondly, even some of the commercials were retained and relished by viewers because these didn't seem to be like commercials at all.

The Portuguese papers praised the special for its depiction of "American courage and daring," with special words for "the technical brilliance" of Lee Mendelson's production.

As for the public . . . "After seeing this film, I understand why the United States is such a great country," said a front desk man at Lisbon's palatial Ritz Hotel. A lawyer commented: "It was an inspiring lesson for all of the world, proof of what free enterprise can achieve."

LIMITED FARE

There is only one TV network in Portugal, with two channels. News and drama are its most popular offerings, with two American series, Diahann Carroll's Julia and Mission: Impossible, among the leaders. An hour show usually has two intervals during which the commercials are shown.

By American standards, the Portuguese TV fare is a limited one. The four million viewers, who own a million sets, selling at an average price of $210 (a big sum over there), see soap operas, women's shows and comedy daily from 12:45 p.m. until 2:30. From 2:30 to 7, the channels abound in classroom educational programs; then from 7:30 to midnight, there are dramas, discussion periods, sports and some comedy.

An ardent friend of the United States, an able executive, Dr. Ramiro Valadao, president of the board of directors of Radio-Televisao Portuguesa, heads the broadcasting system. Once stationed in this city, Mayor Lindsay will be happy to hear that he is the most fervent booster of our town I have ever encountered.

We met at a dinner party of Lisbon government officials and diplomats in the villa of Stephen W. Baldanza, public affairs officer of the U.S. Embassy.

Both USIS men, Baldanza and Jack Fawcett, cultural attache, who served as two of my guides, are hard workers, far removed from the State Department striped pants "cookie pushers" caricatured in some stories. Especially outstanding is Baldanza, like Fawcett, a master of languages, winning many friends for the United States.

But our embassy occupies a somewhat shabby former apartment building—more befitting Albania than a great power such as the United States. However, across the street is a spacious library, reflecting every shade of our American opinion. A cultural center, this structure has a movie theater and classrooms where English is taught to students about to enter U.S. universities. It was recently the scene of a minor bomb explosion that did surface damage and injured no one.

Although many thick tomes could be—and have been—written about Portugal and its beautiful island possession, Madeira, here are a few more random notes recorded by a wandering TV pundit during his brief visit:

Lisbon is a charming, quaint city of centuries old palaces, high-rise buildings, wide tree-shaded boulevards and ancient, narrow, cobble-stoned streets.

ALLURING PRICES

Outside of a few luxury restaurants, one may have a sumptuous dinner with two wines for around $3 or $4. Whisky is expensive, so are cars, gasoline, prime steaks and breakfast cereals. But crab, shrimp, crawfish and tasty fish are ridiculously low priced.

A cobbler will make you a pair of shoes for about $5, after he has carved out of wood a last with exact measurements of your feet. . . . Low costs characterize even swank Estoril, a Lisbon suburb, the haunt of exiled royalty and nobility. It's a picturesque community of vivid tropical flowers, sunshine, Atlantic waters.

Here are the famous gambling casinos and the beautiful main street, where one may see strolling Umberto, the would-be king of Italy, and the pretenders to the thrones of Spain and France. Monarchists from Rome still greet Umberto in his villa with bows and the kissing of his hand, and address him as "Your Majesty."

PICTURESQUE VILLAGE

The picturesque fishing village of Cascais in the Estoril sector is just as appealing and even less costly. So is the Portuguese island of Madeira, truly an enchanting symphony of loveliness, of radiant colors: towering green mountains, deep gorges and lush green valleys. Flowers are everywhere—scarlet, blue and gold—banana trees, avocados, vineyards, passion fruit, custard apples and the reddest peppers and tomatoes you ever saw.

In the principal city of Funchal, are the famous fruit, blossom and fish markets, the latter specializing in the rare fish—the espada—the most flavorful of all sea creatures, British, German, Scandinavians and a sprinkling of Americans loll on the beaches and swim even during late November. Some enjoy life in hotels—room, bath and meals—for as little as $12 or $14 a day.

THE BIG QUESTION

But how long will this last? . . . Well, both the Hilton and the Sheraton chains are now building hotels there. In a year or so will come hundreds of American tourists and the inevitable rise in prices.

Yes, Madeira is still a paradise . . . but soon enough—alas!—it may become like the one Milton wrote about—"lost."

ONLY PROTOTYPES OF SST CAN PROVE ARGUMENTS

Mr. RANDOLPH. Mr. President, the controversy continues on the supersonic transport. I believe that the Senate should support the Senate-House conference report.

I trust that a filibuster against the funding in the reduced sum of $210 million will not be conducted.

Reasonable debate, as to length of time, and reasoned as to content, should prevail. Then the Senate should vote.

I ask unanimous consent that an article entitled "Only Prototypes of SST Can Prove Arguments," written by Crosby S. Noyes, and published in the Washington Evening Star of December 15, 1970, be printed in the RECORD.

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

ONLY PROTOTYPES OF SST CAN PROVE ARGUMENTS

(By Crosby S. Noyes)

Of all the arguments that have been raised against the building of two prototype models of a supersonic transport, or SST, the weakest, it seems to me, is the argument that the plane might turn out to be an environmental menace.

It also is unquestionably the most effective of the objections raised against going ahead with the program.

There are many reasons from the standpoint of economics or national priorities for questioning the wisdom of mass production of the SST. But there would have been no question about continuing the present experimental program, except for the political power of the conservationist lobby on Capitol Hill.

The arguments of the conservationists are weak because they are very largely unproven. For months, they have been arguing that the SST would be an ecological disaster, polluting the atmosphere, bombarding the earth with intolerable noise, subjecting passengers and crews to a variety of hazards and possibly even bringing about drastic climatic changes to the planet.

Perhaps they are right. If they are, it will be fairly obvious to everyone that the SST ought to be banned, not only in the United States but everywhere in the world. Even those who doubt the validity of some of the arguments have accepted the idea of legal restrictions on overland flights which would produce sonic booms and on excessive airport noise levels.

Yet until the fears of the environmentalists have been demonstrated by the performance of the two prototype models, it would seem premature to scarp the program altogether. It is, in fact, a little as if Columbus had decided against setting sail for fear of falling off the edge of the world.

Nor will the world be much protected from disaster by any restrictions imposed by the United States Senate. The British, French and Russians already are busily flight testing their own models of the supersonic transport. If these tests have turned up any serious environmental problems, the rest of the world has yet to be told about them. And the suggestion that the American version of the SST would greatly increase whatever risk may be involved is hardly justified.

Certainly, the notion that the construction of a supersonic prototype would precipitate some kind of immediate and irreversible environmental catastrophe is absurd on the face of it. Whatever genuine threat to the environment may be involved, the best way—indeed, the only way—of identifying the threat, assessing the potential hazard and possibly correcting it is to build the prototype planes.

In fact, however, the implication that the SST represents an excursion into a wholly unexplored area of technology is quite wrong. Supersonic flight has been a reality for many years and many thousands of military aircraft have created none of the nightmarish problems that the environmentalists describe. The difference with the SST is only one of size of the individual aircraft and total numbers involved.

Opponents of the SST have argued that, unless the project is stopped in its experi-

mental stage, it will be far more difficult to stop it later on, even if the danger to the environment becomes manifest. Once the commitment is made on the prototypes, they feel, and many more millions of dollars spent, the construction of fleets of supersonic transports will be inevitable, regardless of the consequences.

This is a curiously fatalistic argument which the opponents of the SST, if they have their way, will do much to disprove. A cutoff of funds for prototype development at this stage would, in fact, undo many years of research and development and scrap a project on which billions of dollars have been invested.

In this connection also, it is interesting to note that the British and French, whose program is far more advanced than ours, are seriously reassessing the feasibility of mass-producing the Concorde version of the SST on purely economic grounds.

Surely, if the American program can be stopped in its tracks on the basis of vague ecological apprehensions, it clearly can be stopped or modified later on if the apprehensions prove valid. If this is necessary, however, it should be done as a matter of international agreement and not as the unilateral decision of a small group of American legislators.

DRUG ABUSE IS A NATIONAL EPIDEMIC

Mr. NELSON. Mr. President, throughout the Nation, community after community is making the sad and shocking discovery that drug abuse and narcotic addiction are not the exclusive afflictions of specific social and economic groups; nor is drug dependence confined to the decaying centers of our major metropolitan areas.

The fact is that drug abuse is a national epidemic. It is a pervasive and insidious influence in every sector of this Nation and chooses its victims indiscriminately—save perhaps for the particular vulnerability of youth.

It is also very apparent that narcotics and increasing drug traffic have not been effectively controlled by law enforcement and harsh punishment alone. While strong laws and firm enforcement are necessary to deal with the criminal network of distribution, they have been unable to innoculate the potential user from the virulence of drug dependence.

An effective drug control program will require the massive and total commitment of our entire society—positive action at each level of government, the efforts of the private sector, and the knowledgeable assistance of individual citizens.

One of the resources which is vital in any serious community effort to understand and control drug dependence and narcotics addiction is the availability of educational materials for distribution to a wide variety of groups and individuals. The failure to make readily available authoritative, explicit informational books, articles, and pamphlets that explain the issues surrounding the drug problem in an easily understandable fashion to parents, educators, civic leaders, and youth themselves, has hindered the reasoned development of effective local drug abuse programs and the establishment of effective communication and mutually respectful dialog within any individual community or family.

To help meet the need of all elements of the community, both adults and the younger members, for a source of accurate readable information I have assembled a brief list of pamphlets, books, manuals, films, and other material which are now available from reputable organizations with legitimate interests in the area of drug education and control programs. These groups include various departments and agencies of the Federal Government, in particular the National Institute of Mental Health, and private organizations such as the National Coordinating Council of Drug Abuse Education and Information and the United Methodist Church, as well.

This list is certainly not an exclusive one. It does provide, however, the source for readily understandable, free, or inexpensive materials that have been selected for their suitability for first, schools and civic groups, second, parents and adults, three, youths, 14–18, and fourth, young adults.

Mr. President, I ask unanimous consent that the list of educational materials be printed in the RECORD.

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

Title	Description	Suitable for— Schools, civic groups	Parents and adults	Youth 14 to 18	Young adults	Price and quantity	Published by—
What Everyone Needs To Know About Drugs.	A comprehensive book discussing a variety of facets of drug abuse.				X	$2.95 a copy, $1.75 per copy for 10 or more.	U.S. News & World Report, 2300 N St. NW. Washington, D.C.
Drug Education Curricula Series	A descriptive brochure of guides available for study of drug abuse.	X				Free	National Clearinghouse for Drug Abuse Information, Chevy Chase, Md.
Selected Drug Abuse Education Films.	Resource for persons using films in drug abuse education.	X				do	Do.
A Federal Source Book: Answers to the Most Frequently Asked Questions About Drug Abuse.	Pamphlet giving answers to questions most often asked about drugs.	X	X	X	X	1 copy free[1], $0.25 per copy, $18.75 per 100 copies.	Departments of Defense, HEW, Justice Labor, and OEO.
Common Sense Lives Here	A community guide to drug abuse action	X	X			$2 a copy, $1.25 per 100 copies.	National Coordinating Council of Drug Abuse Education and Information, 1211 Connecticut Ave. NW., Washington, D.C.
The Drug Puzzle	A multimedia packet for drug education emphasizing heroin, marihuana and LSD.	X	X			$5 per packet	Do.
Putting the Pieces Together	Book designed for use by persons who present drug education to young people or adults.	X	X			$1.25 per copy	Service Center, Board of Missions, United Methodist Church, 7820 Reading Rd., Cincinnati, Ohio.
Don't Guess About Drugs When You Can Have All The Facts.	Catalog of the current drug abuse materials available from the National Institute of Mental Health.	X				1 copy free,[1] $0.20	U.S. Department of HEW, Washington, D.C.
Before Your Kid Tries Drugs	Pamphlet aimed at parents and young adults summarizing the effects of the most widely used dangerous drugs.		X	X		1 copy free,[1] $0.25	Do.
Adverse Reactions to Hallucinogenic Drugs.	Highly technical reports on scientific research relating to drug reactions.	X	X			1 copy free[1], $1.25	Do.
Drugs of Abuse	Pictoral survey of today's drug abuse	X	X			1 copy free[1], $0.40 for more than 1 copy.	U.S. Department of Justice, Washington, D.C.
Resource Book for Drug Abuse Education.	Techniques that experienced drug educators have found helpful in communicating with young people considering drugs.	X	X			1 copy free[1], $1.25 for larger quantities.	U.S. Department of HEW, Washington, D.C.
It Takes A Lot of Help	One of the 1st films to document and explore the numerous avenues available to individuals and communities combating drug abuse.	X	X			Free	Modern Talking Picture Service, 1212 Avenue of the Americans, New York, N.Y.
Recent Research on: Narcotics, LSD, Marihuana and Other Dangerous Drugs.	Pamphlet giving the latest findings on drug abuse in America suitable for the layman.		X			1 copy free[1], $0.20 for larger quantities.	U.S. Department of HEW, Washington, D.C
Marihuana Fables and Facts	Leaflet which attempts to disprove the myths about marihuana.		X	X	X	1 copy free[1], $0.05 per copy, $3.25 per 100.	Do.
The UP and Down Drugs: Amphetamines and Barbiturates.	Leaflet summarizing the use, effects, and abuse of these drugs.		X	X	X	do	Do.
LSD: Some Questions and Answers	Leaflet summarizing the use, effects, and dangers of LSD.		X	X	X	do	Do.
Marihuana: Some Questions and Answers.	Leaflet summarizing the use, effects, and risks.		X	X	X	do	Do.

[1] A single copy of this publication can be obtained free of charge from either A or B listed below: A. Senator Nelson, 404 Old Senate Office Building, Washington, D.C. 20510, or B. Distribution Unit, Office of Communications, 5454 Wisconsin Ave., Chevy Chase, Md. 20015. Copies of the above listed publications are also available at the prices quoted from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Note: Also available from Senator Nelson's office is a selected bibliography, "Drug Abuse In the United States," prepared by Mr. Harry Hogan of the Legislative Reference Service, Library of Congress, Washington, D.C.

THE U.S.-U.S.S.R. FISHERIES AGREEMENT

Mr. JORDAN of North Carolina. Mr. President, during the past 2 weeks the State Department has been negotiating with the Soviet Union on an agreement on certain fishery problems on the high seas in the western areas of the middle Atlantic Ocean, which was effective from January 1, 1969 to December 31, 1970.

Last Friday a new agreement, to be effective from January 1, 1971 to December 31, 1972, was signed by the United States and the Soviet Union.

Like the agreement before it, the new agreement largely protects only fisheries in the northern United States and does not properly protect fisheries in southern waters. I am particularly concerned about the fisheries off of the coast of North Carolina which depend upon menhaden and river herring to a large extent.

Our North Carolina fishermen urgently requested that menhaden and river herring off our coast be added to the list of fish prohibited from harvest by the Soviets. In its final form the agreement signed last Friday by State Department negotiators provides our fishermen no effective protection whatsoever and I am dismayed to have to report it contains a new provision which will actually be restrictive on our own fishermen.

First, let us look at the agreement on menhaden. It was decided to restrict both United States and Soviet fishing of menhaden between January and April outside the 12-mile limit and to extend the geographical area of protection from Cape Hatteras farther south to Cape Fear.

The State Department officials view these as major concessions by the Soviets and as a beginning step toward providing year-round protection for menhaden. This viewpoint, however, will be valid if menhaden need protection only from January to April outside the 12-mile limit.

Representatives of the fishing industries of North Carolina—some of whom were not invited to submit their thoughts or suggestions concerning agreement provisions, by the way—tell me that such an assumption is just not valid—that the main fishing season is after April and that our boats do indeed go beyond the 12-mile limit. Seen in this light, the agreement provisions on menhaden seem both almost meaningless and at the same time unnecessarily restrictive to the United States during the time between January and April when our own boats would be restricted from fishing menhaden outside the 12-mile limit.

State Department officials, now aware of the question of the extent of U.S. fishing outside the 12-mile limit, have said that a study will be conducted on this subject and that, depending on the results of this study, the matter could be reopened in January when the Soviets return to negotiate on Pacific coast fisheries.

I might add that at the present time the Soviet Union reports that it is catching no menhaden at all while the United States has recorded a catch for 1970 of 167,000 tons. Yet the Soviet Union refuses to agree to continue catching no menhaden.

Now, river herring: During 1970 the Soviet Union has caught approximately 10,000 tons while the U.S. catch was only one-third larger at 15,400 tons.

No protection at all is given in the agreement to river herring, a fish whose spawning and survival is wholly dependent upon the U.S. fresh water streams flowing into our coastal areas.

State Department officials report that the Soviet Union has agreed to restrict their catch of river herring and is willing to discuss the amount of reduction of their catch at the January meeting. They also indicate that the Soviets will enforce any such agreement immediately.

The State Department feels that sufficient protection can be agreed upon in January before the peak season for fishing river herring begins in February and March. Of course, there is no guarantee of this.

I understand the position of the State Department in feeling that any agreement protecting some fish is better than no agreement at all.

However, I think that it must be remembered that our prime consideration is the wise conservation of the fisheries off of our own coast and that much is at stake. There is a limit to the amount of fishing a stock can sustain and it seems as though the coastal nation should be the one to make decisions to protect these fish.

In the past couple of years our fishermen have voluntarily reduced their catches of menhaden—sometimes as much as 50 percent—in order to relieve the pressure on that species so that numbers would not get drastically low and threaten the future supply.

As for river herring, our fishermen have noticed a definite decline in the stock since the Soviets began their fishing operations. There seems to be no question that protection is needed and is needed now.

I think it is important to note that a fishing agreement exists between the United States and Poland, and in that agreement river herring and menhaden are included among those fish that the Poles may not catch.

It seems that the State Department's questions concerning the extent of menhaden fishing beyond the 12-mile limit point up a lack of data on fishing operations as well as on the migratory patterns of the fish. Surely complete and accurate data and a wide range of opinion from the fishing industry is vital to the participants in negotiations and every effort to obtain such information should be made before negotiations begin.

Once again I would like to express my opposition to the restriction on U.S. menhaden fisheries outside the 12-mile limit and the failure to include protection for river herring under the 2-year fishing agreement with the Soviet Union.

Mr. SPONG. Mr. President, I compliment the distinguished Senator from North Carolina on his statement and concur in it.

Mr. President, the fishing agreement concluded Friday by the United States and the Soviet Union falls short of the protections which this country has a right and responsibility to demand for its fishing industry. At no time in our history has that industry faced a graver threat as a result of the activities of hundreds of large foreign fishing vessels operating just outside our 12-mile protective zone. In my judgment, that threat is not met by this agreement.

Of particular concern to me as a representative of the coastal State of Virginia is the failure to adequately protect river herring and menhaden. These two species are mainstays in the livelihood of thousands of small fishermen who have voluntarily restricted their own operations in the interest of conservation. However, their efforts are being undone and the whole future of the industry jeopardized by the increasing activities of the Soviet fleet.

The Soviet harvest of river herring, for example, has grown tenfold in 3 years—from a thousand tons at the time this agreement was first negotiated to 10.3 thousand tons today. The American catch has shown a corresponding decline over the same period.

There is as yet no comparable foreign fishing of menhaden but that situation could change at any time and there is little in this agreement to prevent it.

I ask unanimous consent to make a part of the RECORD at this point in my remarks a table comparing Soviet and U.S. catches of river herring, menhaden, and other fish from the years 1963 to September 1970.

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

TABLE 1.—CATCHES BY U.S.S.R. AND UNITED STATES IN THE ICNAF STATISTICAL AREA 6

[Thousands of tons]

	1963	1964	1965	1966	1967	1968	1969	1970 [1]
Herring	0.6	0.4	2.2	5.9	3.8	16.3	39.7	17.2
U.S.S.R.	.5	.2	1.9	2.8	3.2	16.1	38.2	17.2
United States	.1	.2	.3	3.1	.6	.2	1.5	.....
Mackerel	.4	.5	.6	2.0	6.8	8.2	38.1	66.2
U.S.S.R.	.3	.1	.1	1.2	6.1	7.3	37.6	65.2
United States	.1	.4	.5	.8	.7	.9	.5	1.0
Alewife	19.4	16.1	23.2	21.2	23.2	24.7	34.4	25.7
U.S.S.R.							1.0	1.1	10.4	10.3
United States	19.4	16.1	23.2	21.2	22.2	23.6	24.0	15.4
Red hake	1.5	9.0	12.3	26.3	15.5	2.3	4.9	(2)
U.S.S.R.	.8	8.4	11.7	25.7	14.9	1.9	4.1	.8
United States	.7	.6	.6	.6	.6	.4	.8	(2)
Menhaden	286.6	215.8	231.5	136.0	122.4	163.6	109.3	167.4
U.S.S.R.								
United States	286.6	215.8	231.5	136.0	122.4	163.6	109.3	167.4

Footnotes at end of table.

TABLE 1.—CATCHES BY U.S.S.R. AND UNITED STATES IN THE ICNAF STATISTICAL AREA 6—Continued

[Thousands of tons]

	1963	1964	1965	1966	1967	1968	1969	1970 [1]
Other	55.5	87.4	76.1	23.8	30.5	32.1	27.9	8.0
U.S.S.R.	.8	1.9	1.3	5.9	2.0	10.5	7.3	1.7
Silver hake	7.0	19.9	21.0	96.2	23.0	18.4	11.2	6.0
U.S.S.R.	4.2	16.9	17.7	92.9	18.6	15.0	7.1	2.9
United States	2.8	3.0	3.3	3.3	4.4	3.4	4.1	3.1
Scup	15.7	13.4	11.8	8.8	6.1	4.5	4.9	2.9
U.S.S.R.	1.2	.4	.7	.6	.5	.5	.2	.1
United States	14.5	13.0	11.1	8.2	5.6	4.0	4.7	2.8
Flounder	7.7	6.8	8.5	9.3	12.1	8.1	9.6	10.6
U.S.S.R.							.9	.2
United States	7.7	6.8	8.5	9.3	12.1	8.1	8.7	10.4
Butterfish	1.9	1.9	2.4	2.0	2.5	1.4	3.6	1.2
U.S.S.R.	.1	.3	[3]	.....	.8	.3	1.6	[3]
United States	1.8	1.6	2.4	2.0	1.7	1.1	2.0	1.2
United States	54.7	85.5	74.8	17.9	28.5	21.6	20.6	6.3
Total	396.3	371.2	389.6	333.5	245.9	279.6	283.6	306.0
U.S.S.R.	7.9	28.2	33.4	131.1	47.1	52.7	107.4	98.4
United States	388.4	343.0	356.2	202.4	198.8	226.9	176.2	207.6

[1] January–August, U.S.S.R. January–September, United States.
[2] Not available.
[3] Trace.

Mr. SPONG. Mr. President, the Soviet fishing fleet has been gradually shifting its focus away from the species protected by the 1967 agreement to those fish which are still unprotected, especially river herring. Yet that fish is as much a national resource as any of those included in the existing agreement. It is an anadromous species whose spawning and survival is wholly dependent upon the U.S. fresh water streams flowing into the coastal areas. Without those inland waters there simply would be no river herring at all. The United States has every right to insist that the Russians abstain from systematic fishing of the species.

Much the same case can be made for Atlantic menhaden which has been harvested solely by U.S. fishermen for more than 100 years. Although it is a migratory species, it too depends for its spawning and survival on U.S. estuarine areas. U.S. companies which harvest the menhaden—and we have some of the largest concerns in the States of Virginia—have curtailed their Atlantic fishing operations by more than 50 percent during the past 2 or 3 years in the interest of relieving the pressure on this resource.

In June 1970, the United States reached an agreement with Poland under which the Poles will abstain from any systematic fishing of river herring or menhaden. The United States should have demanded a similar agreement from the Soviet Union, but what it settled for instead was an understanding that the river herring question would be discussed in future meetings and an agreement that both countries would refrain from catching menhaden during the months of January through April.

This latter provision is a small step forward in the sense that the Soviets are for the first time acknowledging the need for some restraint in menhaden fishing. But, the fact of the matter is that the Soviets today are catching no menhaden so they have given up nothing in exchange for the restrictions placed upon U.S. fishermen.

Mr. President. I recognize the difficulty of negotiating any agreement with the Soviet Union, especially in an area as ill-defined as fishing rights. I am certain that Ambassador McKernan did his very best to win Soviet agreement and I would not denigrate the progress which he was able to make. Perhaps what these negotiations show most clearly is the inadequacy of this approach to the problem.

In any event, I am deeply disapponted by the failure to provide more adequate protection for river herring and menhaden. In view of the serious threat to these species, I believe the United States should continue to press its demand for full protection of these fishing resources.

Mr. President, it should be noted that the United States is offering in return for this Soviet agreement certain port and anchorage rights valued by the Soviet fishing fleet. The agreement signed Friday renews the right of the Soviets subject to implementing regulation, to visit certain U.S. ports and it approximately doubles the area in which Soviet vessels will be permitted to anchor and conduct loading operations.

Mr. President, it is my understanding that these talks will be resumed in January in Washington principally to negotiate an agreement affecting fishing rights off our Pacific coast. However, it is understood the river herring question will be reopened at that time and that the United States will again ask for a reduction in the fishing of this species.

Mr. President, I ask unanimous consent that the text of the agreement signed on December 11 by the United States and Soviet Union and a letter to me from Ambassador McKernan be printed in the RECORD.

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

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering it desirable that the fisheries in the Western areas of the high seas in the Middle Atlantic Ocean be conducted on a rational basis with due attention to their mutual interests, proceeding from generally recognized principles of international law,

Considering it necessary to conduct the fisheries in the said areas with due consideration of the state of fish stocks, based on the results of scientific investigations, for the purpose of ensuring the maintenance of maximum sustainable yields and the maintenance of the said fisheries,

Taking into account the need for expanding and coordinating scientific research in the field of fisheries and the exchange of scientific data,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of coordinated research according to agreed programs. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

a. An exchange of scientific and statistical data, published works and the results of fishery research;

b. Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will take the necessary steps to ensure that its competent agencies conduct the corresponding fishery research and develop the most rational fishing technology in accordance with a coordinated program, which has been developed by the scientists of both countries.

2. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of reproduction and maintenance of fish stocks, will take appropriate measures to ensure that their citizens and vessels will:

a. Refrain from fishing during the period from January 1 through April 15, to ensure access of red hake and silver hake to the spawning grounds and to protect certain winter concentrations of scup and flounders; said abstention will apply to an area of the Mid-Atlantic bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
40°05′	71°40′
39°50′	71°40′
37°50′	74°00′
37°50′	74°25′
38°24′	73°44′
39°40′	72°32′

b. Refrain from increasing the catch of red hake, silver hake, scup, flounders, and black sea bass above the 1967 levels in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries and north of 34° North Latitude;

c. Refrain, in the waters specified in subparagraph b of this paragraph, from conducting specialized fisheries for scup and flounders in all instances, and from increas-

ing their incidental catch of these species, that is, the catch taken unintentionally when conducting specialized fisheries for other species;

d. Refrain, in the waters specified in sub-paragraph b of this paragraph, from fishing menhaden during the period from January 1 through April 30;

e. The provisions of sub-paragraphs a, b, and c of this paragraph shall not apply to vessels under 110 feet in length, nor to vessels fishing for crustacea or molluscs.

3. Both Governments will take appropriate measures to ensure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

4. Fishing vessels of the Union of Soviet Socialist Republics may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the following areas bounded by straight lines connecting the coordinates in the order listed:

a. during the period from November 15 through May 15

North Latitude	*West Longitude*
40°44'00"	72°27'00"
40°38'00"	72°27'00"
40°34'31"	72°40'00"
40°32'41"	72°46'26"
40°32'32"	72°53'26"
40°36'54"	72°53'26"
40°40'55"	72°40'00"

b. during the period from September 15 through May 15

North Latitude	*West Longitude*
39°38'05"	74°02'06"
39°35'06"	73°55'24"
39°32'30"	73°57'18"
39°35'30"	74°04'00"

5. Fishing vessels of the Union of Soviet Socialist Republics may fish during the period from January 1 through March 31, within the nine-mile fishery zone contiguous to the territorial sea of the United States of America, in the waters bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
40°40'55"	72°40'00"
40°34'31"	72°40'00"
40°32'41"	72°46'26"
40°32'32"	72°53'26"
40°36'54"	72°53'26"

6. Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing and fishery research vessels of the other Government. This shall apply with respect to the procedure for presenting crew lists for the above-mentioned vessels and to the providing of fresh water, fuel and provisions.

7. Under conditions of force majeure, each Government will, within the scope of its domestic laws and regulations, facilitate entry of fishing and fishery research vessels into its respective open ports after appropriate notification has been given.

8. Both Governments consider it useful to arrange, when appropriate, for visits of representatives of fishermen's organizations of the two countries to each other's fishing vessels operating in the western part of the Middle Atlantic. Such visits may be arranged on mutually agreeable terms determined in each particular case by the Regional Director of the National Marine Fisheries Service in Gloucester, Massachusetts and the chiefs of the joint fleet expeditions of the Main Administrations "ZAPRYBA" or "SEVRYBA" as appropriate.

9. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

10. This Agreement constitutes an extension and modification of the provisions of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics signed in Washington on December 13, 1968. The present Agreement shall enter into force on January 1, 1971 and shall remain in force through December 31, 1972. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of this Agreement and to decide on future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE in Washington, December 11, 1970, in duplicate, in English and Russian, both texts being equally authentic.

DEPARTMENT OF STATE,
Washington, D.C., December 12, 1970.

Hon. WILLIAM B. SPONG, JR.,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: Thank you for your letter of December 4, 1970 concerning the US/USSR fishery negotiations which have been going on for the past two weeks. I appreciate your interest in this matter and would be delighted to discuss the problem with you in greater depth at your convenience.

I am enclosing the news release on the agreement. I will send you a summary of its features in a few days. Also, I am sending you a copy of the "New York Times" article which I find in this morning's paper.

To complaints that we did not bargain hard enough during the course of this negotiation, my answer would be that the agreement provides for additional protection in one way or another to all major species of economic importance to the United States along the Atlantic coast with the exception of river herring. In the case of river herring, I spent well over one-half of the entire negotiation discussing this one species and I finally concluded that the Soviets were not in a position to concede substantially on this species at this time, which again one must remember, they are fishing well out on the high seas beyond the jurisdictional limits of the United States. I used every trick of the trade to encourage them to resolve this difficult question without success. On the other hand, the Soviet negotiators clearly and unequivocally indicated that they would be willing to resolve the problem at an early date and we agreed to meet on this subject in January 1971, approximately one month from now.

There is an agreed report of our negotiations which goes beyond the agreement to meet on the river herring problem. The Soviets further agreed with us that there was a critical problem with river herring and that when we meet in January or early February they would be prepared to, at the very least, reduce their take of this species in the offshore waters. I consider this some progress but, of course, it does not resolve the problem. I might add that this problem becomes acute in about February. The major peak of Soviet fishing for that species occurs in March with a lesser catch in both February and April. I feel confident that we will be able to resolve this issue when we meet in January.

We had representatives from the fishing industry of most of the Atlantic coast states below Cape Cod, and these advisers with State Fish and Game officials on the whole were quite pleased with the agreement. It is certainly true that the menhaden and river herring people desired the Soviets to commit themselves to completely abstain from fishing both menhaden and river herring. This was the United States Government's position during most of the negotiations.

When it became clear that this was not possible to achieve, we then sought as much protection as we possibly could get. I am satisfied that substantial benefits to our fisheries were achieved under the agreement. To the claim by some that the agreement gives us less in terms of protection than we gained in our discussions with the Government of Poland, my answer is that that is quite true, but our concessions to the Soviets in return for the benefits gained were negligible. No concessions for fishing or loading or further concessions on facilitation of port calls were made to the Soviets in the area from New York south. The only concession given the Soviet Union for the several substantial concessions received by the Soviet States was an increased area of loading and unloading for their ships between six and twelve miles off Long Island during the winter months. We did, however, commit ourselves to consider further facilitation of port calls in the southern Mid-Atlantic area *providing* we can find a satisfactory solution to the river herring problem which is so important to the industry of North Carolina and Virginia.

I have written you in some detail because of your great interest and the particular interest of Virginia fishermen. Please feel free to call upon me if I can be of further assistance to you in this regard.

Sincerely,

DONALD L. MCKERNAN,
Special Assistant for Fisheries and Wildlife to the Secretary.

TRIBUTE TO ELLY

Mr. GRIFFIN. Mr. President, tomorrow members of the Michigan congressional delegation will honor Mrs. Elly Peterson, the leading lady of the Republican Party, at a luncheon in the Vandenberg room of the Capitol.

The luncheon is our way of saying "Thank you" and indicating our great affection for Elly. Through the years we in Michigan have known and loved her as an indomitable worker at all levels of the party.

A number of years ago, in recognition of her political astuteness and leadership ability, Michigan Republicans chose her as State chairman—the first woman ever to be designated State chairman in either major party.

We love her today more than ever, if possible; and we are saddened that she has decided to retire, although she has earned retirement many times over. As of January 1, she is concluding her service both as assistant chairman of the Republican National Committee and as Republican national committeewoman from Michigan.

In her long service to the party, Elly has won the respect of the Nation's political leaders. Her persistence and, indeed, something of her unwavering spirit, are reflected in an article by Richard H. Ryan appearing in the Detroit News on December 6. Mr. Ryan, a member of the newspaper's Washington bureau, wrote:

It's a long way from passing out Alf Landon sunflowers in Chicago to becoming a candidate for a Michigan Senate seat. But Elly made it.

It's also a long way from being an envelope-licking assistant in a State Republican organization to becoming its chairman and finally vice chairman of the National Republican Party. But Elly made it.

The article goes on to say:

The ebullient Mrs. Peterson says she's retiring. But don't bet on it. She has retired too many times before.

Many of us hope that Mr. Ryan is right. But even if Elly carries out her intention and retires in Hawaii with her husband, as planned, we will still continue to turn to her for advice and counsel.

Another newspaperman, David S. Broder, of the Washington Post, has expressed high praise for Elly. In a column published in the Post of December 15, 1970, Mr. Broder wrote that:

Elly is one who has made an enormous contribution to the functioning of our political system.

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

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

TRIBUTE TO ELLY PETERSON
(By David S. Broder)

They are having a party tonight at the Mayflower to say goodbye to Elly Peterson, who is retiring for the second time as assistant chairman of the Republican National Committee. She quit once before to take on the thankless assignment of opposing Sen. Philip A. Hart (D-Mich.), a task the Michigan Republicans were unwilling to entrust to a man in either 1964 or 1970.

She came back to her old job as the National Committee a couple of years ago at President Nixon's request, and this time she says she's quitting for good to join her husband in retirement in Hawaii. One has to be skeptical, for she has politics in her blood and a prudent Hawaii Democrat would keep a close eye on her activities.

In an age where the term is thought to be derogatory, Mrs. Peterson has always and unashamedly been a political pro. From her own Eaton County, Michigan, base she moved up the organization ladder to become the first female state chairman in GOP history, and then on to the top party post open to a women.

It is, I think, accurate to say that her abilities would have earned her the national chairmanship, were it not for the unwritten sex barrier both parties have erected around that job. Certainly, her organizational talents made her views as respected and her advice as sought-after among her colleagues in the party as anyone in the past decade.

The role of a woman in politics is an inherently difficult one—especially if her forte is organization. Yet through the years there have been women in both parties who have overcome the obstacles and made an enormous contribution to the functioning of our political system. In paying tribute to Mrs. Peterson, the Republicans are acknowledging a debt we all share.

One basic problem all talented women face is the tendency of the parties to shunt them off to some preserve of tea-party irrelevance called "women's activities." Mrs. Peterson, who has a Helen Hokinson figure but a slalom racer's cunning at cutting corners, fiercely resisted stereotyping and by sheer energy and capability won her right to operate at the full range of her talents.

Her greatest achievements probably came as Michigan Republican Chairman under Gov. George Romney. Romney entered office thinking political parties were at best irrelevant and outmoded and at worse downright dangerous. His suspicions were repaid in kind by the suspicions of the old-time Michigan Republicans, who regarded Romney as a loner, a usurper and very probably a dangerous radical.

Somehow, in this unpromising situation, Mrs. Peterson sensed an opportunity for remaking the Michigan Republican Party into a bigger, healthier, more open and—she always insisted—more effective organization. She managed to convince Romney that governing was easier if he had party support than if he was attempting to function as a one-man band. And she managed to convince some awfully skeptical Republicans that Romney's personality and grass roots appeal could be made a vehicle for building a stronger party organization.

The party conferences she ran in those years were about as close to town hall democracy as it is possible to get in a mass society, and the enthusiasm they generated had a practical payoff in the election of an additional senator and five more Republican congressmen.

It was Mrs. Peterson's fate to serve on the National Committee staff in periods which were hardly conducive to her own brand of progressive Republicanism, first in the years leading up to the Goldwater nomination and in the past two years under President Nixon.

She has, for example, been struggling for the last two years to launch a national program—patterned on her Michigan experience—of opening year-around Republican headquarters and neighborhood service offices in urban ghetto areas. It would be at best a difficult, risky operation, and the political payoff—if any—would be years away.

But it was her conviction that if the Republican Party was to govern effectively, it had to have roots, however fragile, in black America as well as in white. That kind of thinking was not enthusiastically received by the advocates of the quick-payoff "Southern strategy."

But hard-headed as she is, Mrs. Peterson would say you should expect to be frustrated in many of your hopes if you get involved in politics. As an exemplar of the many women in both parties who have shown that citizen politics can be party politics, she richly deserves the tribute she will receive tonight.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 13 minutes p.m.) the Senate recessed until tomorrow, Thursday, December 17, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16 (legislative day of December 15), 1970:

U.S. CIRCUIT COURTS

W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit.

U.S. DISTRICT COURTS

Dennis R. Knapp, of West Virginia, to be U.S. district judge for the southern district of West Virginia.

Barron P. McCune, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado.

DEPARTMENT OF JUSTICE

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana for the term of 4 years.

CIVIL AERONAUTICS BOARD

Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1976.

U.S. TARIFF COMMISSION

Jefferson Banks Young, of Virginia, to be a member of the U. S. Tariff Commission for the term expiring June 16, 1976.

HOUSE OF REPRESENTATIVES—*Wednesday, December 16, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lift up your heads, O ye gates; and be ye lifted up, ye everlasting doors; and the King of Glory shall come in.—Psalms 24: 7.

As we lift up our heads, our Father, may we also open the doors of our hearts that the glory of Thy spirit may come in and dwell with us, helping us to render a true service to Thee and a faithful service to our fellow men. Working under the banner of truth, justice, and love, may we lead our people beyond the limits of differences and divisions to the heights of unity and peace. For Thine is the kingdom, the power, and the glory forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and joint resolutions of the Senate of the following titles:

S. 3318. An act to amend the Library Services and Construction Act, and for other purposes;

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week";

S.J. Res. 187. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."