application of public money to assisted housing. The President doesn't believe that assertion, nor does he believe other tales: that government employees in Washington are more highly motivated, smarter, more ethical or more hard-working than you and your colleagues in city government.

We have urged on the Congress an entire package of domestic legislation premised on the cities' and states' ability to do local jobs well—given adequate funds.

In general, it may be said, the Congress does not share our confidence and regard for your ability to do the job better.

It is time to change the Congressional mind on this score.

We think it will take extraordinary effort to push revenue sharing through the new Congress next year.

We think this fight can be won in the new Congress. But it must be a broadly-based effort, you and the counties, the special districts and the governors must help the public understand the issues and enlist them in this fight.

The President and the Executive Branch are prepared to do whatever must be done to secure this breakthrough.

This league, the county and State organizations and every citizen in your city who you can inform and enlist are essential to the effort.

From the first day the new Congress arrives, January 20, let's have them thinking about this issue. We need early hearings by the House Ways and Means Committee and the Senate Finance Committee. We had not one hour of hearings from the 91st Congress! And then we need early floor action.

The time has come for this Doctrine to be put into law, for these ideas to go to work.

And then it will be up to you, and up to us, to prove the ability of local government to do the job.

NATIONALIZATION OF U.S. MERCHANT MARINE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House, I include with these brief remarks a press release by Joseph Curran, chairman, AFL–CIO Maritime Committee, issued under date December 16, 1970, which is an interesting and spirited opposition to the nationalization of the U.S. merchant marine:

NATIONALIZATION OF U.S. MERCHANT MARINE

There are some elements in maritime labor ranks who are shouting for the nationalization of the U.S. flag passenger ships which are laid up. They claim that the short cut to end your problems is to cut your own throats. They charge that maritime labor can serve themselves best by the harikari ritual.

May we point out that the passenger ships are laid up because of the decision to so do by anti-merchant marine elements in our Government. Who are these elements and why do they take such irresponsible action? Let us refresh memories of maritime labor's position and how we have seen the anti-merchant marine elements in our Government.

DEPARTMENT OF DEFENSE

The Department of Defense, in 1953, decided to "save" our nation a few dollars in shipping costs. They established a pro-forma U.S. Merchant Marine in terms of national ships needed to service our nation in national emergencies. The grave error they committed was contained in parenthesis in the definition of "U.S. Merchant Marine." They said that the U.S. Merchant Marine shall consist of U.S. flag ships *plus* the ships which are at least 50 percent American owned and flying their runaway flags of Liberia, Panama, and Honduras. They said that runaway ships under these flags were under the *effective control* of the United States during national emergencies.

The military, in turn, put all kinds of pressures on the building up of military-operated merchant ships. Each and every year we have had to fight hard to convince Congress that the Fast Deployment Logistic Ships, to be built for and operated by the military, represent a waste of billions of dollars. These floating warehouses would cost billions of dollars, do little to service our nation, and would accelerate the sinking of our privately owned and operated U.S. flag merchant marine.

DEPARTMENT OF STATE

We shall not bother to repeat all the observations we have made of the State Department's anti-American flag merchant marine posture.

Our State Department has traditionally called for the sinking of our merchant fleet on the false premise that this would benefit other maritime nations. They have consistently refused to acknowledge that our merchant ships are now carrying less than 5 percent of our waterborne export-import commerce. They have refused to admit that the runaway fleets are the threat to ALL maritime nations, including our allies.

BUREAU OF THE BUDGET

This Government agency hardly seems to warrant the American flag. They have bombed any and all operations which are of great benefit to our nation. Based on pure dollar costs they argue that we can survive as a modern power by eliminating our American flag merchant marine and "saving" a few million dollars a year. They even refuse to listen to their own arguments on the desirability of closing the harmful dollar gap in the international balance of payments.

WHO KIDS WHOM?

We are engaged in the serious struggle of survival of our passenger ships. In this fight our AFL–CIO Maritime Committee has considered every approach to possible solution. We have proposed a single passenger ship company to operate the U.S. flag passenger ships. We have pleaded with the U.S. Government to turn away from their own so-called prophets of gloom and doom and provide a subsidy program to preserve our passenger ships.

We know that nationalization of the passenger ships would not save a single ship. It is equivalent of putting the weasel into the chicken coop to guard the chickens.

We know that the nationalization of our passenger ships would raise the threat of nationalization of all merchant ships.

We must continue to work hard in unity to defend our American flag merchant marine. We intend to do this for the good of our seamen, our nation, and the free world.

TRIBUTE TO ASSISTANT POSTMASTER FRED D. McGRATH OF BROCKTON, MASS., UPON HIS RETIREMENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to join with the many friends of Assistant Postmaster Fred D. McGrath, Brockton, Mass., in wishing him well in his retirement. He faithfully served the people of Brockton since 1930 when he began as a substitute clerk in the post office and it is everyone's hope that his retirement years will be filled with health, wealth, and happiness.

Fred D. McGrath was born, reared, and educated in the Brockton area. He attended Boston College and the Postal Service Institute.

In 1942, Fred entered the military service and was honorably discharged with the rank of major in 1946.

Prior to being promoted to Assistant Postmaster in 1963, Fred McGrath held the title of Chief Accountant in 1960, and Superintendent of Mails in 1962. He was the regional director for developing material for training supervisors, he assisted in establishing bulk mail procedures for the Knapp Shoe Co., and the Postmaster approved his suggestion for the separation of local and out-of-town mail by patrons.

All of us who are his friends wish Fred only the best that life has to offer.

SENATE—*Thursday, December 17, 1970*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

O Thou infinite and eternal one, who hast breathed into us the breath of life and endued us with an immortal soul, breathe upon us Thy renewing spirit that we may invest this day's labor with eternal meaning. In the strain and stress of these days, replenish our minds and spirits with the holy glow of Christmas peace and joy.

Bless this good land. Forgive our failures. Confirm our successes. Prosper every measure which enhances justice, righteousness, and truth. Be especially with each person who serves the Nation in this place. May each do his part to create wise programs, to find the unifying action, and to infuse the reconciling spirit.

May we have the promptings of the spirit to keep Christmas each day that the tree of life may have new lights and new symbols of service, which issue from our love of Thee.

We pray in the name of one born in Bethlehem. Amen.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, December 16, 1970, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, in view of the situation which developed yesterday, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

STATUS OF GENOCIDE TREATY

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I should like to inquire as to the status of the Genocide Treaty, since I am interested in it and have had various requests from Senators expressing the hope that some progress can be made with that treaty.

Mr. MANSFIELD. Mr. President, responding to the question raised by my distinguished colleague from Pennsylvania, the minority leader, the treaty has been reported by the Committee on Foreign Relations. It is on the calendar. I have received indications from a number of Senators that they would want to be informed, as they wish to discuss it at some length.

If the opportunity arises, it will be brought up, but I must say, in all candor, that at the moment the prospect does not look too encouraging. The distinguished minority leader knows, however, that this treaty remains within the jurisdiction of the Senate even though the Congress adjourns.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER FOR RECOGNITION OF SENATOR BOGGS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after approval of the Journal on tomorrow, the distinguished Senator from Delaware (Mr. BOGGS) be recognized for not to exceed 1 hour.

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

ORDER FOR RECOGNITION OF SENATOR GURNEY ON SATURDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following approval of the Journal on Saturday next, the distinguished Senator from Florida (Mr. GURNEY) be recognized for not to exceed 1 hour.

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

NOTICE THAT A CLOTURE MOTION MAY BE FILED TODAY

Mr. SCOTT. Mr. President, I should like to make a short statement, to indicate that a distinct possibility exists during debate on the Department of Transportation and Related Agencies appropriations bill, which includes provisions, among other things, of extreme importance for the Coast Guard and for the payment of air traffic controllers at a time when air passenger traffic is so extraordinarily heavy in this country, that there may well be filed, sometime today, a motion for cloture.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 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:

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.

ORDER OF BUSINESS

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

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield briefly, without losing his right to the floor or any of his time?

Mr. McCLELLAN. I yield.

PENSION AND COMPENSATION PAYMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1450, H.R. 15911.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 15911) to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowance relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

"That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"'Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$400	$120
$400	500	117
500	600	114
600	700	110
700	800	106
800	900	102
900	1,000	98
1,000	1,100	94
1,100	1,200	90
1,200	1,300	86
1,300	1,400	81
1,400	1,500	76
1,500	1,600	70
1,600	1,700	64
1,700	1,800	58
1,800	1,900	52
1,900	2,000	46
2,000	2,100	38
2,100	2,200	34
2,200	2,300	30'.

"(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"'Column I		Column II	Column III	Column IV
Annual income				
More than—	but Equal to or less than—	One dependent	Two dependents	Three or more dependents
	$600	$130	$135	$140
$600	700	128	133	137
700	800	126	131	134
800	900	124	129	131
900	1,000	122	127	128
1,000	1,100	120	125	125
1,100	1,200	118	122	122
1,200	1,300	116	119	119
1,300	1,400	114	116	116
1,400	1,500	112	113	113
1,500	1,600	110	110	110
1,600	1,700	117	107	107
1,700	1,800	104	104	104
1,800	1,900	101	101	101
1,900	2,000	98	98	98
2,000	2,100	95	95	95
2,100	2,200	92	92	92
2,200	2,300	89	89	89
2,300	2,400	86	86	86
2,400	2,500	83	83	83
2,500	2,600	80	80	80
2,600	2,700	77	77	77
2,700	2,800	74	74	74
2,800	2,900	71	71	71
2,900	3,000	68	68	68
3,000	3,100	64	64	64
3,100	3,200	60	60	60
3,200	3,300	56	56	56
3,300	3,400	51	51	51
3,400	3,500	43	43	43
3,500	3,600	35	35	35'.

"(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$400	$80
$400		500	78
500		600	76
600		700	74
700		800	72
800		900	69
900		1,000	66
1,000		1,100	63
1,100		1,200	60
1,200		1,300	57
1,300		1,400	54
1,400		1,500	51
1,500		1,600	47
1,600		1,700	43
1,700		1,800	39
1,800		1,900	35
1,900		2,000	30
2,000		2,100	24
2,100		2,200	21
2,200		2,300	18".

"(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I			Column II
Annual Income			
More than—	but	Equal to or less than—	
		$600	$97
$600		700	96
700		800	95
800		900	94
900		1,000	93
1,000		1,100	92
1,100		1,200	91
1,200		1,300	89
1,300		1,400	87
1,400		1,500	85
1,500		1,600	83
1,600		1,700	81
1,700		1,800	79
1,800		1,900	77
1,900		2,000	75
2,000		2,100	73
2,100		2,200	71
2,200		2,300	69
2,300		2,400	67
2,400		2,500	65
2,500		2,600	63
2,600		2,700	61
2,700		2,800	59
2,800		2,900	57
2,900		3,000	55
3,000		3,100	53
3,100		3,200	51
3,200		3,300	49
3,300		3,400	47
3,400		3,500	45
3,500		3,600	42".

"(e) Subsection (d) of such section 541 is amended by striking out '$16' and inserting in lieu thereof '$17'.

"(f) Section 542(a) of title 38, United States Code, is amended by striking out '$40' and '$16' and inserting in lieu thereof '$43' and '$17', respectively.

"SEC. 2. (a) The table in subsection (b) (1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$94
$800		900	90
900		1,000	86
1,000		1,100	82
1,100		1,200	76
1,200		1,300	69
1,300		1,400	62
1,400		1,500	55
1,500		1,600	48
1,600		1,700	41
1,700		1,800	34
1,800		1,900	28
1,900		2,000	22
2,000		2,100	16
2,100		2,200	14
2,200		2,300	12".

"(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$63
$800		900	61
900		1,000	58
1,000		1,100	54
1,100		1,200	51
1,200		1,300	47
1,300		1,400	42
1,400		1,500	37
1,500		1,600	32
1,600		1,700	28
1,700		1,800	24
1,800		1,900	21
1,900		2,000	18
2,000		2,100	15
2,100		2,200	13
2,200		2,300	12".

"(c) The table in subsection (d) of such section 415 is amended to appear as follows:

" 'Column I			Column II
Total combined annual income			
More than—	but	Equal to or less than—	
		$1,000	$63
$1,100		1,100	62
1,100		1,200	60
1,200		1,300	58
1,300		1,400	56
1,400		1,500	54
1,500		1,600	52
1,600		1,700	50
1,700		1,800	48
1,800		1,900	46
1,900		2,000	44
2,000		2,100	42
2,100		2,200	40
2,200		2,300	38
2,300		2,400	36
2,400		2,500	34
2,500		2,600	32
2,600		2,700	30
2,700		2,800	28
2,800		2,900	26
2,900		3,000	24
3,000		3,100	22
3,100		2,200	20
3,200		3,300	18
3,300		3,400	16
3,400		3,500	14
3,500		3,600	12'.

"SEC. 3. Clause (G) of section 415(g)(1) of title 38, United States Code, and clause (6) of section 503 of such title are hereby repealed.

"SEC. 4. The amendments made by this Act shall become effective January 1, 1971."

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill to amend title 38, United States Code, to increase the income limitations applicable to non-service-connected pension for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pension and such dependency and indemnity compensation."

SENATE RESOLUTION 496—ADOPTION OF A RESOLUTION PROPOSING A WHITE HOUSE CONFERENCE ON THE NATIONAL ECONOMY

Mr. McCLELLAN. Mr. President, our national economy is in trouble. This is now universally recognized. The pressures of mounting domestic demands and the obligations associated with a long, drawn-out war have placed heavy and difficult burdens on our economic and fiscal resources. Our efforts to sustain the unprecedented prosperity which we have enjoyed and to insure continued economic growth are not succeeding sufficiently to prevent these pressures from taking their destructive toll.

Today, we have a surging affluence, but unfortunately our prosperity is not fully shared. This is emphasized by the fact that our faltering economy continues to enlarge unemployment rolls. We are now in our fifth and what appears to be our longest recession since World War II. We are faced with the dilemma of mounting inflation and rising unemployment—an unemployment that has reached a level of 5 and 4/5 percent. Four and one-half million Americans are out of work. In the past 3 years, the cost of living has risen by more than 19 percent. Recently, interest rates reached the highest percentage in 100 years. Adequate housing and homeownership have been placed beyond the reach of many of our citizens. There are a number of other unfavorable economic factors that could be cited which have an adverse impact upon a stable economy and sound prosperity. Our faith and our confidence in the efficacy and sufficiency of our free enterprise economic system are being challenged and tested.

Prices and wages have leapfrogged to dizzy heights of shakiness and instability. Calls for restraint have not been properly heeded either by management or labor. The consumer segment of the economy now approaches the market with caution and restraint.

There has been a drastic erosion of the purchasing power of the worker's wages; of the dollar income of pensioners, retirees, and social security beneficiaries; and of others who are dependent upon a fixed income.

Unable to cope with various and innumerable cost increases, many manufacturers, producers, and businessmen are being priced out of the market. The serious impact of such increases is being felt not only by small concerns but also by medium sized businesses and even industrial giants. Many businesses, once booming and prosperous, now find themselves under severe financial strain, and some are on the brink of bankruptcy.

Many, many State and local governments are unable to provide the needed and necessary services to their inhabitants, and some are literally hanging precariously on the edge of financial chaos.

Mr. President, it is not sufficient merely to assess the fault for these conditions, nor does all of the blame fall upon either labor or management. Government also must share a large measure of the responsibility. Certainly government has not sufficiently implemented fiscal and monetary policies to bank the fires of inflation. Nor have labor and business cooperated in maintaining wage and price levels commensurate with the rise in the cost of production and with the general state of the economy.

When profits are unduly squeezed, business seeks higher prices to absorb in-

creases in wages and other costs. Thus, both the wage increase and higher prices are, in effect, charged against the consumer. Ultimately, it is the consumer who pays. And, again I point out, although labor and management generally have the ability under existing law to protect themselves—labor by demanding increases in wages, and management by increasing prices—there are those, the social security recipient, pensioners, and others on a fixed income, who are defenseless victims of inflation.

It was, of course, encouraging to hear the President say recently that "the worst of inflation is over." I trust, I earnestly hope, that his prognosis is correct, but, in the face of realities, I must admit that I am not completely convinced or reassured.

For, as we know, there are 4½ million people who still remain unemployed. There are many who are only tenuously employed, and there are daily many new arrivals in the eligible labor force. For them and millions of others, the harsh realities of inflation are not completely measurable by cold, factual statistics. Rather, in an affluent society, they are faced with the perplexing paradox of belt-tightening, skimping, and trying to make ends meet because of rising prices. These are not just fiscal and economic problems, Mr. President; they are also human problems that demand our urgent attention.

All of us have a stake in this critical problem, and all of us have a duty to stabilize the economy and to foster its growth on a sound, full employment basis.

It seems to me, Mr. President, that it is time for an end to blame placing, recriminations, and speechmaking on this issue. It is time for action—effective remedial action—to begin.

Mr. President, I believe that basically a sound national economic policy is interdependent upon the actions of business, labor, and government. Any one of these, acting unilaterally on a self-oriented basis without due deference to the interest and responsibility of the others, can throw the economy out of balance. Acting independently they create problems. But, by combining and coordinating their actions, they have the power to shape our economic strength and fiscal destiny.

We need, I believe, to call representatives of all interested and responsible parties to the conference table to give intelligent and dedicated consideration to this problem and to fashion if they can an appropriate and satisfactory solution thereto. I believe that the same ingenuity and genius with which business and labor leaders have created America's industrial might can and should now be employed to suggest and recommend a significant remedy for our ailing economy and unsound fiscal policies.

In my judgment, such a conference as I have suggested—if conducted in a spirit and an atmopshere of national interest—can be productive and immensely helpful.

To this end, I am introducing a resolution, which I now send to the desk, declaring it to be the sense of the Senate that the President shall call immediately a White House conference of representatives of major segments of our economy to study these problems and to recommend proposals to alleviate and remedy the Nation's present economic plight of rising inflation and widespread unemployment.

Mr. President, I am pleased to announce that I am joined in the introduction of the resolution by 28 other Senators. These gentlemen recognize the need for action and have requested to cosponsor the resolution with me. I ask unanimous consent that their names be printed on the resolution which I have sent to the desk.

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

Mr. McCLELLAN. Mr. President, the White House conference should be called:

First, to explore the problems relating to the present state of the Nation's economy;

Second, to recommend specific steps to curb continuing inflation, and to propose long-term measures to stabilize the economy on a sound, full-employment basis, and to prevent future recessions; and

Third, to explore means of establishing a better understanding of and a firmer public confidence in the Nation's economic system.

The resolution further provides in section 2 that the President should invite to the conference representatives, who, by virtue of their training, experience, and background, are exceptionally qualified to evaluate the state of the economy. Such representatives shall be chosen from Federal, State, and local governments; from major segments of the economy, including industry, labor, financial institutions, agriculture, communications, transportation, construction, public utilities, wholesale and retail trades, and consumers; and from such other segments of the economy as the President in his discretion may select.

Mr. President, I offer this resolution in a complete spirit of bipartisanship. As far as I am concerned, there is no politics in it, and it carries with it no implication of criticism of the President or his administration. I simply believe we need to move on this problem—to move promptly, cooperatively, and aggressively. I believe that by calling these leaders together and drawing on their combined counsel and wisdom much can be accomplished. I do not anticipate that any miraculous or immediate remedy will result from such a conference, but I do believe that out of its deliberations will come valuable suggestions and recommendations leading toward corrective action for the restoration of a stable economy and sound fiscal policies.

Mr. President, many conferences regarding national issues have been and are presently being called. I know of no other problem facing the country today that is of any greater importance or that needs more immediate attention than the problem of rising inflation and widespread unemployment.

I ask for the immediate consideration of the resolution.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read the resolution by title, as follows:

A resolution (S. Res. 496) declaring it to be the sense of the Senate that the President should call immediately a White House conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment.

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

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

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

Mr. McCLELLAN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I warmly commend the distinguished Senator for proposing the resolution. It is an excellent resolution.

I am presently the vice chairman of the Joint Economic Committee, and in the new Congress I will be the chairman of the Joint Economic Committee. On the basis of hearings we have held and our investigations of the economy the kind of conference the Senator proposes here would be most helpful.

There is deep concern in every State in the country with unemployment and inflation, and the inaction that has characterized our Government in connection with solving this principal problem.

The Senator's proposal is sensible and logical and it would call for action now. It is time we had this kind of conference. I hope the resolution is approved and that the President will take action on it.

Mr. McCLELLAN. We know we have real problems. I feel there is a responsibility on the part of the executive branch and Congress to give our immediate consideration. I also believe that those who compose the major segments of our economy also share in this responsibility. They should be consulted and requested to come before us and give us the best of their judgment so that we may evaluate and implement their recommendations.

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

Mr. McCLELLAN. I am happy to yield to the distinguished majority leader. I am pleased, indeed, to have the distinguished majority leader as a cosponsor of the resolution.

Mr. MANSFIELD. I am delighted to be a cosponsor and to join the ranks under the leadership of the distinguished Senator from Arkansas. I think that he is facing up to a problem which confronts all of us at the present time. It is not a partisan matter, it is not a political matter, but it is a matter of national import and significance.

I think the Senator's proposal is timely and most worthwhile, and it is my belief that the President will give this proposal of the distinguished Senator from Arkansas the most serious and immediate consideration because he, too, is aware of the gravity of the problem which confronts the Nation economically and financially at the present time.

I commend the distinguished Senator

for taking the leadership in this most important area.

Mr. McCLELLAN. I thank the distinguished majority leader. What I have just said about the economy, I believe is shared generally by people throughout the Nation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Harris Survey—Recession Is Felt by Many," which was published in the Chicago Tribune of December 14, 1970, an editorial entitled "Mr. Nixon on Beefing Up the Economy," which was published in the Washington Post of December 6, 1970, and an editorial entitled "Who Cares About the 'Public Interest'?" written by David Lawrence which was published in U.S. News & World Report of December 21, 1970.

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

THE HARRIS SURVEY—RECESSION IS FELT BY MANY

(By Louis Harris)

A sizable majority of the American people believe the country is in a recession—62 to 24 per cent. This marks an increase in the number who feel the economy is in trouble, up from a 58–26 per cent division on the same question last August.

What is more, a plurality, 48 to 25 per cent, believes that "there will still be a recession next year at this time."

Continued rising consumer prices are most often given as the single major cause. A substantial minority of the people are also clearly worried about layoffs, cutbacks in the work week, and an end to overtime."

One in two families [an even 50 per cent] report incomes have "lagged behind the rise in the cost of living." In addition, 35 per cent say their "standard of living is worse now than it was a year ago. Only 21 per cent report their living standards are rising.

Twenty-one per cent of all household sampled in a nationwide cross section of 1,562 homes report some member of their immediate family has been "laid off, had their work week cut back, or had lost overtime." This represents no change from the situation last August. However, within this overall category where job situations have deteriorated, the number who report being laid off has gone up from 9 to 11 per cent. These figures are substantially higher than Department of Labor figures as compiled under federal government criteria.

The cross section was asked between Nov. 14 and 19: "Do you feel the country is in a recession now or not?"

[In percent]

	November	August
Is in recession	62	58
Not in recession	24	26
Not sure	14	16

Most of those who are convinced the country is in a recession are persons who live in the Far West [67 percent], persons under 30 years of age [71 percent], and union members [69 percent].

The depth and possible duration of the recession was measured in this question:

"Next year at this time, do you think the country will be in a recession or not?"

	Total Public Percent
Still be a recession	48
Will not have one	25
Not sure	27

No more than one in four are optimistic about the economy coming out of its slump, while almost double that number are convinced it will continue throughout next year. Most pessimistic are persons in the Far West [52 percent] and those with incomes under $5,000 a year [52 percent].

The softness in the employment market shows no respite in this latest survey:

"Have you [or anyone in your immediate family] been laid off, or had overtime cut down, or had your regular [non-overtime] workweek cut down, or hasn't this happened to you?"

[In percent]

	November	August
Cutbacks in work	21	21
Laid off	11	9
Overtime cut	6	7
Workweek cut back	4	5
No cutbacks	79	79

Most seriously affected in employment cutbacks have been union members in the Midwest, undoubtedly a reflection of the impact of the General Motors strikes. But the situation has also worsened since August for younger people [up to 34 per cent from 27 per cent work cut back] and people in the $5,000 to $9,999 bracket [up to 29 per cent from 26 per cent].

MR. NIXON ON BEEFING UP THE ECONOMY

President Nixon has put himself firmly on record for an expansion of the economy and continuation of the fight against inflation, with a some what more active role for the government. While he refused in his speech to the National Association of Manufacturers to go as far as some of his critics are urging him to go, he has taken significant steps to roll back the recently increased price of crude oil, to check the rash of excessive wage hikes in the construction industry and to expand the country's money supply in line with the upturn in industrial activity which he seems determined to bring about.

There are grounds for doubt that these measures will produce the new utopia that the President is promising us, and not the least of them can be found in the unemployment figures which were released the very day the President made his speech. With joblessness in November reaching the level of a seven-year record, it is not hard to share the President's view that "we can and must do better" in this regard. He would have been more reassuring if he had addressed himself more directly to the question of *how* he proposes to do better—and how fast—one the matter of the unemployed.

Still, his show of initiative on the economy at this time must be counted on the positive side. In particular, we think the coup on the petroleum front is highly constructive. It means that the administration will no longer allow the states to hold down the supply of crude oil so that the big producers can raise prices with impunity. Their restrictive policies will be offset by more production from federal reserves and larger imports from Canada, with the objective of undercutting the recent increases in oil and gasoline prices.

That positive action in an area where tools are readily at hand may have some influence on the general inflationary pattern, but it will not satisfy the Democrats who are calling for a temporary wage-price freeze. The President is not thinking in terms of general controls, voluntary or compulsory. On the contrary, he insists that "the worst of inflation is over." We hope that events will confirm this optimism, but in fact the rate of inflation has not been "moving downward in 1970," as he indicated. Rather it has been erratic, with an alarming upward spurt in the cost of living index in the last two months, which reversed the previous favorable trend. We doubt that the conflicting decline in wholesale prices has gone far enough to justify the President's confident prediction that "there will be a further decline of the rate of inflation during the year ahead."

The President seemed to be twisting the arm of the Federal Reserve Board in some measure to step up the country's supply of money as a means of stimulating economic activity. The board's chairman, Arthur Burns, has given him assurance, the President said, that the Fed "will provide fully for the increasing monetary needs of the economy." In the presidential mind this seems to mean a more rapid rate of monetary growth than the 6 per cent which has prevailed since February. In any event, Mr. Nixon took pains to emphasize that "as the economy rises toward full employment, more money will be required to do the nation's business." But when it comes to dealing in specifics rather than generalities the Fed may not be as sanguine as is the President that inflation is in full retreat. It may therefore be more cautious in fueling another boom.

On the labor front, the President struck at what is undoubtedly the most critical problem—the construction industry. There seems to be wide agreement that his call for more consolidated bargaining is more in the right direction. Certainly the existing pattern of bargaining by relatively small crafts or areas has produced an intolerable plethora of strikes and excessive wage increases. At the moment, however, the President has done nothing more than call upon the commission he set up in this area to produce a solution and recommend legislation requiring bargaining by larger units if it seems necessary.

Here again a specific solution, if one can be found, might yield some general anti-inflation fallout, but the larger problem of leap-frogging wages and prices remains. "Fighting inflation is everybody's business," as the President says, but few corporations and labor unions are willing to do any vigorous fighting on this front when their own prices and wages are under consideration. So the big problem remains. If the President's faith in a steadily receding rate of inflation should prove to be well founded, the country could move along the glowing path that he has outlined. But the forces contributing to instability appear to be still formidable and the suggestions made for dealing with them, while a new era of high prosperity gets under way, are still meager, puny and of uncertain utility.

WHO CARES ABOUT THE "PUBLIC INTEREST"?

(By David Lawrence)

It seems incredible that one of the most important operations in our national economy—the relations between management and labor seems to have been put outside the scope of Government, leaving private groups free to exercise vast power. Limitless damage can be done innocent citizens who are not parties to any dispute but who must suffer the consequences of interrupted transportation of a shutdown of industries essential to their welfare.

Should any group of individuals be allowed to wield the right to stop railroad services?

Should any group be permitted to cause delays in delivery of the mails?

Should labor unions be free to make demands that are unfair and economically unsound?

Should management resist the granting of wage raises that are fully justified and which can be paid without impairing the financial status of the employer?

Who is going to decide such issues? Today it requires a battle between management and labor based upon the threat of a long struggle or a strike. Collective bargaining is often a hassle in which each side attempts to bluff the other. In the end the public suffers.

When there is so much at stake, why doesn't the Government set up its own apparatus—judicially minded tribunals which can examine the economic status of companies and the reasonableness of the demands made by labor, and then render a decision binding upon both parties?

This, of course, would introduce an element of governmental compulsion which has long been opposed. But the disaster of economic collapse can be far worse, and indeed may be coming as year after year labor and management fight each other without any real progress toward a more satisfactory means of settling their disputes.

Congress has passed laws which require a "cooling off" period in certain labor disputes, and the effect has been simply to postpone the day of reckoning. The labor unions merely defer action and do nothing until the moratorium is ended. Plainly, what is needed is a governmental agency that both the labor unions and management will recognize as fully authorized to make decisions through specially created boards of arbitration, whose rulings will be final.

It has been argued that labor does not have to accept such settlements and that many workers would not return to their jobs. But the federal statutes could well provide that anyone who defied the law would not retain any employment rights in a particular company or industry involved in the dispute. Sooner or later, both sides would discover that obedience was the better course.

Arthur F. Burns, Chairman of the Federal Reserve Board, in a recent speech drew attention to the inflationary results of excessive wage increases in the past few years. He said:

"Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue."

Mr. Burns declared that further steps may prove necessary to slow the rise in wages which is pushing up costs and prices. Numerous measures, he said, might be taken "to improve the functioning of our markets," including "compulsory arbitration of labor disputes in industries that vitally involve the public interest."

The question arises as to how far governmental intervention might extend. Authority could be given to an arbitration agency to set up boards of its own to take action whenever a strike of "major" proportions is threatened. This might be defined as one that would interfere seriously with the working of the economy and would be likely to inflict heavy losses on a large number of innocent persons.

Congress has a duty and responsibility to protect the nation against such disasters as an interruption in the mail service or a collapse of rail transportation—in fact, against a nationwide strike in any major industry. These are occurrences which not only affect the employers and employes, but impair the progress of the economy itself, and the ill effects are felt by millions of citizens.

Since it is the obligation of the Government to act in behalf of all the people, collective bargaining cannot be permitted to remain a private affair when its operations reach the point of breaking down the economic functioning of the country. Certainly this is a problem in which the "public interest" requires the National Government to enact laws that will spare the people tragic losses such as are being encountered today.

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

Mr. McCLELLAN. I yield.

Mr. KENNEDY. Mr. President, I, too, wish to join Senators in commending the distinguished Senator from Arkansas for submitting this resolution.

During the period of the 1960's various White House conferences have been held at which distinguished groups of people were brought together on different subjects for special purposes. Many times these conferences have brought forth significant achievements and broader understanding of the subject involved.

Certainly, if there is any subject in the country today which needs full ventilation by the experts who have been identified in this resolution, that subject is the economy.

The distinguished Senator from Arkansas has deservedly achieved a reputation second to none in this body for work in many different fields and areas. He is a sound and thoughtful thinker. In preparing this resolution he has used well his very gifted talents in connection with one of the greatest needs we have in this country today.

I join the distinguished majority leader and the distinguished Senator from Wisconsin in commending the Senator for introducing the resolution. I hope the proposal will not be considered as just another resolution. I think it touches on one of the greatest problems we face and it does it in a sound and constructive way. I do hope we get expeditious action on the resolution and that the President will give it the consideration it deserves.

Mr. McCLELLAN. I thank the distinguished assistant majority leader for his statement and his complimentary reference to the merits of the proposal.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the distinguished Senator from Arkansas (Mr. McCLELLAN). (Putting the question.)

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 496), with its preamble, reads as follows:

S. RES. 496

Resolution declaring it to be the sense of the Senate that the President should call immediately a White House Conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment

Whereas the responsibility for meeting the challenges and problems of the Nation's economy rests with the President and the Congress in cooperation with leaders of the major segments of our economy;

Whereas the Nation is now in its fifth and longest-post-war recession, and the people of the Nation are suffering from the dilemma of rising inflation and widespread unemployment;

Whereas the Administration, through the Council of Economic Advisors, has recently issued its second "inflation alert" within the past four months calling for increased resistance to wage and price increases;

Whereas the President has expressed his personal concern over our economic crisis by urging business and labor to "make a special effort to exercise restraint in price and wage decision";

Whereas the development and maintenance of a sound and viable economy based on a policy of full employment is essential to the welfare of the people of the Nation; and

Whereas it is the sense of the Senate that the Federal Government should work jointly with representatives of the major segments of our economy including consumer groups, to recommend plans for developing a sound, full employment economy that will maintain the integrity of the free enterprise system and avoid future serious economic fluctuations: Now, therefore be it

Resolved, That it is the sense of the Senate that the President of the United States should call immediately a White House Conference—

(1) to explore the problems relating to the present state of the Nation's economy;

(2) to recommend specific steps to curb continuing inflation and to propose long-term measures to stabilize the economy on a sound, full employment basis and to prevent future recessions; and

(3) to explore means of establishing a better understanding of and a firmer public confidence in the nation's economic system.

SEC. 2. The President should invite to the conference representatives who, by virtue of their training, experience, and background, are exceptionally qualified to evaluate the state of the economy. Such representatives shall be chosen from federal, state, and local governments; from major segments of the economy, including industry, labor, financial institutions, agriculture, communications, transportation, construction, public utilities, wholesale and retail trades, consumers; and from such other segments of the economy as the President in his discretion may select.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield the floor?

Mr. McCLELLAN. I yield the floor.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Ohio (Mr. YOUNG) for not to exceed 15 minutes.

KENT STATE TRAVESTY

Mr. YOUNG of Ohio. Mr. President, James A. Michener deserves admiration as an author of outstanding works of fiction. I cite "Hawaii," "Return to Paradise" and "Tales of the South Pacific" as three examples of his superiority as a novelist and a writer of highly interesting fiction. He indulged in too much fiction, however, when he addressed an audience at Kent State University recently. He was guilty of making stupid statements.

This novelist untruthfully stated that the only purpose for convening such a Federal grand jury would be to try to pin a greater share of blame on the national guard. He added his extremely stupid conclusion "even if such a Federal jury would bring in a report castigating the guard, the guard could not be prosecuted in Ohio courts because of Ohio law." As an authority on Ohio law, Michener is a good novelist. He made the ridiculously absurd further statement that:

If a federal grand jury would sit, the members would bring in a rebuke of the guard which could not be supported in a jury trial and they would then feel obligated to bring in a handful of further indictments of students and professors to prove they were even-handed.

He even praised the Portage County special grand jury "for its work which resulted in 25 indictments" and asserted that this grand jury "had been meticulous in trying to bring in only just indictments."

This fellow then expressed his views that the 25 students and a professor indicted by the special Portage County grand jury would be treated harshly. Michener is ignorant of the facts. He has manifested ignorance of Ohio laws. Those who were indicted by this special grand jury will never be tried and convicted.

Author James Michener is evidently ignorant of the fact that, according to the report of the President's Commission on Campus Unrest, which stated:

> The leading edge of the crowd appeared to have advanced to a point no closer than 60 feet from the guardsmen, with the main body 180 to 225 feet away, before the gunfire began.

Sandy Scheuer, one of the four students killed, had no knowledge of any disorders in Kent on Saturday and Sunday nights. She had no knowledge that National Guardsmen had attempted to take over the campus of her university at a time when classes were being held. She stepped out onto the commons and was walking to her speech therapy class. This lovely young lady had volunteered to be an assistant instructor to help a boy who had a serious stuttering defect. She was shot and killed at a distance 130 yards from the frontline of guardsmen.

Joseph Lewis, one of the only two who was shot by a bullet striking him in front, was the closest of all the students killed and wounded to the frontline of the guardsmen. He was about 60 feet distant. He had thrown no rocks. He had resorted to no violence. He made an obscene gesture and a guardsman named Shafer shot him.

Donald MacKenzie was struck in the back of the neck. He was 750 feet from the frontline of guardsmen. Thomas Grace was seriously wounded. He was struck by a guardsman's bullet entering the rear of his left ankle which penetrated downward and disintegrated or exploded.

Jeff Miller, the only other victim struck by a bullet entering the front of his body, was a distance of at least 255 feet from the frontline of guardsmen.

Vice President AGNEW who, of course, has access to all information obtained in the office of the Attorney General, Civil Rights Division, stated that Ohio National Guard officers responsible should be charged with murder—not murder in the first degree but murder. He stated that guardsmen overreacted to any disorder by students on Monday, May 4. I made the same statement but more bluntly. I stated that some of the National Guardsmen were trigger happy.

This killing of two boys and two girls, not one of whom had rioted at any time during the preceding week in downtown Kent and not one of whom had participated in any rioting anywhere, should be the subject of an investigation by a special Federal grand jury to be convened next January in the Federal Building in Cleveland to determine whether or not the civil rights of these students have been violated. This in accord with U.S. Criminal Code 18, section 252. There is probable cause that their civil rights were violated. It is for a special Federal grand jury to determine whether the facts warrant the return of indictments by the grand jury.

Ohio National Guardsmen fired at least 61 shots according to the report of the President's Commission on Campus Unrest. This Commission in concluding its report stated:

> The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable.

One hundred FBI agents who spent 2 weeks in Kent and on the campus of Kent State University and elsewhere interviewing eyewitnesses, including National Guardsmen, reported that of the four students killed and nine seriously wounded by National Guardsmen's bullets, not one participated in any disorder in Kent or in the burning of the ROTC building on the commons of the university at any time during the preceding Friday, Saturday, and Sunday nights. Also, that there was no rioting on the campus of Kent State University at any time on May 5, that fatal day.

The 100 FBI agents following this extensive investigation covering a period of 2 weeks interrogating students, faculty members, National Guardsmen, members of the Ohio State Highway Patrol, and Kent officials and policemen issued a report covering 7,500 pages. Some of the highlights and readily proven statements contained in this report are:

First. The shootings by National Guardsmen were not necessary and not in order.

Second. No guardsmen had been hurt by flying rocks, and none was in danger of his life at the time of the shooting.

Third. The guardsmen had not run out of tear gas, as was widely reported at the time, and could have controlled the situation by using tear gas or making arrests.

Fourth. One guardsman fired at a student who was making an obscene gesture. A second fired at a student preparing to throw a rock. This notwithstanding that the distance separating the frontline of the guardsmen and this student and other students was so considerable that a thrown stone would not have struck any guardsman with sufficient force to cause injury. A third national guardsman is reported to have run around immediately after the incident shouting hysterically:

> I shot two teenagers! I shot two teenagers!

Fifth. The memorandum of the FBI advised Ohio officials that six guardsmen could be held criminally responsible for their part in the shootings. And it listed the six by name, rank, unit, and home address.

Also, the FBI investigation concluded:

> Most of the National Guardsmen who did fire their weapons do not specifically claim that they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire. We have reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event. The apparent volunteering by some guardsmen of the fact that their lives were not in danger gives rise to some suspicions.

Seven investigative reporters of the Knight Newspapers, Inc., publishers of the Detroit Free Press, Akron-Beacon Journal, Miami Herald, and other nationally known newspapers made an important contribution to public knowledge of murders on the Kent State University campus. Among their conclusions are the following:

> The four victims did nothing that justifies their deaths. They threw no rocks nor were they politically radical.
>
> No sniper fired at the National Guard.
>
> No investigative agency has yet found any evidence sufficient to support such a theory.
>
> The guardsmen fired without orders to do so. Some aimed deliberately at students, while others fired in panic or in follow-the-leader style.
>
> It was not necessary to kill or wound any students at the time of the shooting. The guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.

Mr. President, that Portage County special grand jury which author Michener deems so worthy of praise was conceived in fraud and fakery. Its sole purpose was to whitewash Gov. James A. Rhodes for his abominable blunder in calling out the National Guard to police the campus of Kent State University. Governor Rhodes had his attorney general Paul Brown, who is his personal and political friend, appoint two special counsels—Seabury Ford, Portage County Republican executive committee chairman, and another personal and political friend, Robert Balyeat, of Lima, as special counsel allegedly to investigate rioting at Kent State University and in the city of Kent by students and return indictments against some students and to whitewash Governor Rhodes who was panic stricken over his blunders in calling out National Guardsmen who stabbed and injured students on Sunday, May 3, in downtown Kent and killed and wounded 13 students on Monday, May 4.

Portage County has an elected, able, and highly respected county prosecuting attorney, also a Republican, Ronald Kane. I know his reputation as an industrious, conscientious, and, in fact, a very able trial lawyer. In his capacity as Portage County prosecuting attorney, he, of course, is the logical public official to handle and direct any special Portage County grand jury investigation just as it is a part of his duty to handle and direct the regularly convened grand juries of that county. It is evident that Governor Rhodes and his personal and political friend, Seabury Ford, the Portage County Republican executive committee chairman, who is a political lawyer of sorts, and Robert Balyeat, of Lima, a lawyer, and political and personal friend of State attorney general, Paul Brown, and of Governor Rhodes were designated as special counsel to the attorney general for the same purpose. They knew that Prosecuting Attorney Kane would not enter into the nefarious scheme to whitewash Governor Rhodes and to place the blame for the deaths and wounding

of 13 students on the students themselves on the campus of their own university at a time it was functioning and classes were being held. So Governor Rhodes, Attorney General Paul Brown, Seabury Ford, and Robert Balyeat decided to circumvent and ignore the elected Portage County prosecuting attorney. They rightly concluded that he would not go along with their nefarious scheme to exonerate all those members of the Ohio National Guard of Company A and Company C of the 145th Infantry and Troop G of the 107th Armored Calvalry who, with rifles loaded with live ammunition, shot and killed four students, two girls and two boys, and wounded nine others.

Incidentally, I report that Seabury Ford is the man who said to a news reporter:

All the troublemakers should have been shot.

A month from now Governor Rhodes will be out of office as will Attorney General Paul Brown and his special counsel. I am glad to report that Portage County Prosecuting Attorney Ronald Kane will continue in office. His present term as county prosecuting attorney does not expire until 1973.

The facts are as reported by seven investigative reporters of the Knight Newspaper chain, who, following 2 weeks of extensive investigation interviewing hundreds of students and faculty members of Kent State University, National Guardsmen, members of the Ohio State Highway Patrol and residents of the city of Kent, then filed a report placing the blame for the shooting directly on the National Guardsmen. They reported there was no rioting by the students on the campus of Kent State at any time on Monday, May 4.

Mr. President, falsely and fraudulently by passing existing legal channels and completely excluding the office of Ronald Kane, Portage County prosecuting attorney, these public authorities at the instigation of Rhodes and his attorney general, Paul Brown, have visited upon the Kent State University community and upon the fathers and mothers of students at Kent State and the thousands of students, a series of lawless actions. We have a legal axiom in Ohio: For every wrong there is a remedy. All those who have committed illegal acts in Kent, including officers and men of the Ohio National Guard guilty of shooting to death four students and wounding by rifle fire nine others, must be held legally accountable for their wrongful and unlawful acts. Without such accounting the rule of law would not endure.

Kent State University is a reality in which two boys and two girls, students at that university, were shot to death and nine other students were wounded by rifle fire. Not one of them was rioting. Not one of them had engaged in any rioting in downtown Kent at any time on the preceding Friday, Saturday, and Sunday nights. Every member of the university community was denied his most fundamental liberties. Kent, therefore, has become a symbol. It has become a symbol of official lawlessness on the part of a Governor who will soon be out of office and those State officials, civil and military, subservient to him. Kent also could become a symbol of the futility of attempts at lawful change. That must not be permitted to happen. Kent must become a symbol of the return of law and renewed faith in an academic community in which liberty and life may endure.

It is noteworthy that during the entire day National Guardsmen on Monday, May 4, shot and killed four students and wounded nine others, not one National Guardsman was injured and not one required even first-aid treatment. This, despite the fact that preceding the shooting they exerted force and violence in taking over the commons, or campus, from the students. Nor was any guardsman injured at any period of that Monday following the shooting. One guardsman fainted and one had a heart attack.

Furthermore, directly after the shootings, State, local, and even the Kent State University police systematically searched every student room in dormitories on the campus. These searches and seizures of some personal property of some students were all conducted without warrants and without legal authority.

Governor Rhodes made a blunder in calling out the National Guard but then he was thinking of himself. He was a candidate for the Republican nomination as U.S. Senator and the primaries were to be held on the following Tuesday, May 5. In the polls he was running behind his opponent, Congressman ROBERT TAFT, JR. Without consulting President White of Kent State University, he decided that if he took a tough law and order action as retaliation against some students who had rioted in downtown Kent on the preceding Friday night he would improve his showing at the polls and win the nomination. These disturbances had been aggravated when the mayor of Kent suddenly clamped on a 9 o'clock curfew and then later changed that to an 8 o'clock curfew, directing the arrests of all students who walked from the campus of their university into Kent but exempting those students who drove automobiles into Kent. The students, boys and girls, arrested for violating the curfew were held in jail throughout the night, not even permitted to telephone their parents and then released in the morning upon payment of $50 each.

Governor Rhodes on Saturday night suddenly called to Kent tired National Guardsmen who had been on riot duty in the Cleveland-Akron area in connection with a Teamsters Union wildcat strike between two warring factions of teamsters. Many guardsmen had been battered and bruised by the teamsters during the nights following April 29 to Saturday evening, May 2. The teamsters composed their differences. That strike ended. Although most of those guardsmen had had only 3 hours sleep on the preceding night, Governor Rhodes made the abominable blunder of ordering these tired guardsmen to proceed immediately in trucks a distance of 40 miles to Kent. They arrived there and on the campus of Kent State University in the darkness of early Sunday morning, May 3. They were tired and in a bad mood. They had been on active duty since April 29.

Governor Rhodes could have talked with President White. He did not. He could have ordered Kent State University closed. He did not. He could have directed the sheriff of Portage County to swear in additional special deputies. He did not. He could have ordered out the highly respected Ohio State Highway Patrol, experienced in enforcing traffic laws and making arrests for violations of our State laws. He did not choose to call in this highly respected force of law enforcement officers although a large number of them with seven helicopters were on the campus of Kent State University throughout Monday, May 4, and their testimony refuted as untruthful the allegation Rhodes' Adjutant General Del Corso had made that a sniper had fired at National Guardsmen from the roof of a university dormitory.

Furthermore, at Warren, county seat at Trumbull County, only 20 miles from Kent, there were at this time two companies of Ohio National Guard military police specially trained in riot control. He did not call them into active duty.

President White of Kent State University was not informed that guardsmen had rifles loaded with live ammunition. He expressed great shock about this following the time two boys and two girls were shot to death.

Mr. President, when the Constitution of the United States, as drafted by the 55 men who had met for weeks in Philadelphia, was first published in the gazettes of that period there was an uproar from the homes of liberty-loving patriots who had fought and won the War for Independence and on their demand the first 10 amendments were adopted and made a part of the Constitution. We affectionately term these first 10 amendments our Bill of Rights. Amendment VI provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Kent State University is located within the northern district of Ohio. I assert this is the venue where four students were killed and nine wounded and where the civil liberties of Kent State University students had been violated. I predict with confidence that early next year, probably in January, a team of lawyers from the Civil Rights Section of the Department of Justice and the U.S. district attorney for the northern district of Ohio will order a special Federal grand jury to be convened in the Federal Building in Cleveland to hear the testimony of witnesses and that this special grand jury will make the decision whether there is probable cause that the constitutional rights and civil rights of Sandra Scheuer and others who were shot were violated. This in accord with U.S. Crim-

inal Code 18, section 252. It is my personal belief that six or more officers and members of the Ohio National Guard are likely to be indicted by this special Federal grand jury and if those indicted plead guilty to the court or are found guilty by the Federal trial jury then they are subject to a sentence by the U.S. district court judge for a term of imprisonment not to exceed 1 year.

THE STATE DEPARTMENT IS AIDING AND ABETTING TOTALITARIANISM IN GREECE

Mr. YOUNG of Ohio. Mr. President, it is unconscionable, almost beyond belief, that the United States continues to supply military assistance to the brutal Fascist junta that continues to tyrannize the people of Greece.

Our continued support for the Fascist colonels now ruling Athens, the cradle of democracy, clearly shows that we have failed to learn that there is no difference at all between a right-wing repressive regime and a Communist dictatorship. Both govern by decree. In both cases, the people suffer while a self-serving elite remains in power by terror and force of arms.

The saddest part of the tragedy in Greece is that in the minds of free people everywhere we have been the accomplices of the Fascist colonels, subsidizing their sadistic regime with our arms assistance.

Since Colonel Papadopolous assumed power in Greece, the secret police force has been more than doubled in size.

Mr. President, under the regime, thousands of political prisoners in Greece, both men and women—more than 14,000—have suffered physical and mental tortures beyond belief. The horrors of the concentration camps of Nazi Germany are being relived in the dungeon cells of Athens' Bouboulinas Street prison where torture specialists and sadists have been given free reign to practice their trade and scientific torture methods.

Recently, shocking and appalling, the Nixon administration has announced the resumption of shipments of heavy arms to Greece. The State Department defended this deplorable decision by issuing a weak statement claiming that the "trend toward a constitutional order is established" in Greece.

In the last few weeks, the ruling junta has put the lie to the State Department's claim as it has launched a new wave of arrests in the birthplace of democracy.

Mr. President, 25 esteemed Greek journalists and publishers have sent an important letter to Mr. Rodger P. Davies, Deputy Assistant Secretary for Near Eastern and South Asian Affairs, protesting the resumption of heavy arms aid to the Fascist colonels and calling attention to the continued terror that haunts the lives of the freedom-loving Greek people.

This letter cites new and compelling arguments against our continued subsidizing of the brutal Greek Fascist regime.

Mr. President, the State Department is establishing itself as the chief apologist for the Greek colonels. It is aiding and abetting totaliarianism in Greece.

The American people are too intelligent to be duped by the argument that the national security of the United States can only be safeguarded by forcing the Greek people to sacrifice their basic liberties. Mr. President, our interest lies in a strong democratic Greece. Without our continued support, the Fascist colonels could not remain in power for more than a few months. The United States should take steps to remove forthwith all support whatever for the Fascist government to Colonel Papadopolous.

I ask unanimous consent that the letter of the 25 Greek journalists and publishers be inserted in the RECORD at this point as a part of my remarks.

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

DECEMBER 3, 1970.

Mr. RODGER P. DAVIES,
Deputy Assistant Secretary, for Near Eastern and South Asian Affairs, Department of State, Washington, D.C.

DEAR MR. DAVIES: It was good of you to reply, on behalf of President Nixon, to the open letter we addressed to him, expressing our concern and protest on the decision to resume the shipment of heavy arms to Greece.

Your letter, dated November 10, reaffirms an earlier State Department spokesman's statement about the "trend toward a constitutional order is established" in Greece, and reiterates the "firm commitment" of one United States to a policy which is concerned with "steady progress toward restoring Greece to political Government." That was only just over three weeks ago. Today we learn about the new wave of arrests in Greece, where the predawn knock on the door came for some 30 or 40 unsuspecting citizens; about the new cases of torture; about the sham election of the so-called "consultative body," virtually the regime's own nominees. The harsh press law is now extended to foreign correspondents inside Greece, and even to journalists writing abroad about Greece, who are threatened with severe penalties, even imprisonment. This eliminates the possibilities they have had so far of giving even a limited picture of the true situation.

All these and other aspects of the current subjection of Greece to an authoritarian and oppressive regime were plainly stated in the eight specific points contained in our original letter to the President.

You chose to ignore these unambiguous statements of facts, relying instead on a vague reassertion of earlier claims about democratic trends. But simply to make these assertions does not make them true.

Nor as you ingeniously state, are they matters on which ". . . informed and honest observers could and are entitled to draw different conclusions."

Not, that is, unless we are prepared to twist the ordinary meaning of words to a point where communication becomes impossible.

All this, however, is apparently irrelevant to your Government's decision to resume full arms deliveries and so render support and encouragement to the Athens regime.

For, with total inconsistency, you also tell us that: "The decision to resume the shipment of the suspended items to Greece was based *entirely* on considerations which concern the security of the United States." We confess that, when we read this passage of your letter, we were taken aback.

And we know that large numbers of Greek people having read your letter in the Greek press (although they were not given the opportunity to read ours), saw it as an astonishing display of official cynicism.

Can it really be true, as we must conclude from your letter, that Greece has chosen, alone among the countries of Europe, to forfeit its vital freedoms in order to preserve the security of the United States?

Can it be true, that behind the back of the Greek people the U.S. Government openly collaborates now with those who illegally seized power nearly four years ago, a collaboration which guarantees their survival, just as long as they serve the interests of U.S. security?

And that this security, supposedly, can be safeguarded only if the Greek people sacrifice its basic liberties and the right to be master of its own fate?

If these assertions are true, then your attempt, to make them more palatable by distorting or ignoring the plain facts, does not lessen, but on the contrary adds to a deep sense of worry and concern.

These are not merely rhetorical questions. The issues at stake are too important. And as publishers and journalists, active in Europe, and in the United States, and concerned with the dissemination of information about Greece, we think we are entitled to have these questions taken seriously, and to be told the answers to them.

SIGNATORIES

Andreas Arnakis (Frankfurt).
Paul Bakoyannis (Munich).
Nikos Delipetros (Paris).
Elias Demetracopoulos (Washington).
Antonis Drossopoulos (Vienna).
Aris Fakinos (Paris).
Spyros Giannatos (London).
Spyridon Granitsas (New York).
Costas Hadjiandreou (Frankfurt).
George Katiforis (London).
Ioannis Katris (Minneapolis).
Michael Kostopoulos (London).
Panayotis Lambrias (London).
Ioannis Lampsas (Geneva).
Anghelos Maropoulos (Bonn).
Basil Mathiopoulos (Bonn).
Basil Mavridis (Cologne).
Costas Nikolau (Cologne).
Marios Ploritis (Paris).
Evangelos Panteleskos (Rome).
Asteris Stangos (Rome).
Richard Someritis (Paris).
George Yannopoulos (London).
Helen Vlachos (London).
George Voukelatos (Bonn).

THAT PRESIDENTIAL PRESS CONFERENCE

Mr. YOUNG of Ohio. Mr. President, President Nixon last Thursday night, in his first press conference in 4 months, again advocated the kind of political policies that fail to provide the leadership which our country desperately needs at this time.

Admittedly, President Nixon's performance in answering questions went off very smoothly. It was evident to those who saw the entire press conference on television that President Nixon had been throughly briefed. It appeared evident that he had gone through a number of "dry runs" as to practically every question his advisers and he considered would be asked. Although exceedingly well prepared, there was one startling question asked which evidently neither he nor any members of his staff of advisers had any idea could or would be asked. Out of the blue came a sudden question:

Mr. President, do you approve of FBI Director J. Edgar Hoover calling Dr. Martin Luther King a liar?

This unexpected question stumped President Nixon. It was the only question

he did not answer. He evaded any direct or indirect answer to the question and after a moment's delay he made the comment that there will always be differences between the races. He either did not think at this period of shock or was unwilling or unable to offer to take any action needed to ameliorate racial tension within the United States.

In answering questions he said that the policies of his administration are working. It is noteworthy in this connection that he skipped any mention of the fact that the present rate of unemployment in the United States is the highest it has been at any time throughout the past 7½ years. At about the time he was holding this press conference I had read the opinions of some of our leading economists that the total number of American men and women who are not gainfully employed is likely to increase instead of decrease during the next 12 months.

When queried about the divisions in our country, President Nixon assumes his familiar stance of benign neglect. He admits that the generation gap and racial divisions are a problem, but that their solution is hopeless. I quote him:

> Well, it's a problem, but I must emphasize that divisions in this country are never going to end. There's always going to be a generation gap, and there's always going to be differences between the races . . .

This is not a satisfactory answer. It is like saying about the Vietnam war—"There will always be wars, therefore, we should not try to end this one." We do not need to have the present degree of division in this country and President Nixon as his own commissions have suggested could do much more than he is presently doing to mend the divisions between the young and older persons, between the black and nonblack and the poor and the wealthy.

When questioned about the abortive Son Tay raid, the President asserted that he failed to inform Members of Congress about the rescue mission because of the high risk involved by the men who were participating. This is nonsense. It is also an insult to the integrity of congressional leaders. Senators MIKE MANSFIELD, and HUGH SCOTT; Speaker JOHN MCCORMACK, and Representative GERALD FORD are honorable men of the highest discretion. Had they and other Members of Congress been informed of the mission, they would have kept this information secret, and the President would have taken an important step in having the executive and legislative branches of the Government acting in concert in foreign policy, something that has happened only rarely lately.

During his conference, President Nixon proposed exchange of prisoners of war on the ratio of 10 to 1, and claimed that North Vietnam's failure to accept that will brand them an international outlaw. We must remember, however, that numbers and ratios are not the only consideration in such matters. In an earlier speech in this Chamber, I proposed that all North Vietnamese and VC prisoners be exchanged for all of the American prisoners now held in North Vietnam and by the VC in South Vietnam. While President Nixon considers an American soldier to be worth 10 of the enemy, I feel he is worth 36 or more. We should offer to exchange all of the approximately 36,000 North Vietnamese and Vietcong prisoners presently held by our Vietnamese allies for the fewer than 900 Americans now imprisoned in North Vietnam and in South Vietnam. We should not concern ourselves with ratios when dealing with the lives of our fighting men held as prisoners of war.

I note also that the President has no plans to change our policy with regard to the admission of Communist China into the United Nations. I think this is foolish in view of the fact that a majority of the nations in the United Nations voted to admit China this year and undoubtedly will admit it next year. We are foolish to pretend that this huge nation with more than one-fourth of the world's population does not exist.

Mr. President, I do not feel that the President's news conference, as belated as it was, has revealed the sort of leadership for which the Nation is searching so desperately. We need a President who will state his priorities firmly and appoint individuals who will take bold initiatives in carrying out his programs.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes;

H.R. 16498. An act to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; and

H.R. 19888. A act to provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act, and for other purposes.

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

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Missouri (Mr. SYMINGTON) for not to exceed 15 minutes.

THE CIVIL AERONAUTICS BOARD POLICIES DESIGNED TO ACHIEVE GOVERNMENT TAKEOVER OF THE AIRLINES?

Mr. SYMINGTON. Mr. President, all Senators will agree that this country does not need, nor should it be faced with, additional economic disasters comparable to that represented by the Penn-Central.

We have heard much discussion on the Senate floor during this session about the condition of the economy; and I for one believe that it is time for us to both reflect and react to the shaky financial situation in which the airline industry presently finds itself.

With few exceptions, the air carriers of this Nation are experiencing their worst losses in history. Even more tragic is the fact there is no apparent relief in sight; nor, save for the carriers themselves, any apparent real awareness as to just how serious this situation has become.

Let us not forget that these airlines, along with their related industries, are just below the automobile industry in terms of size, job employment, and money generated.

It is no secret that the airlines of the United States are now beginning to wonder how they are going to finance the large body jets already on order; nor does it take much wisdom to realize what would happen to the aircraft manufacturers if the carriers were unable to accept delivery because of lack of funds.

The aircraft industry, in the main, is also in shaky financial condition; and inability of the airlines to honor contracts could start a chain reaction which in turn could lead to catastrophe.

Let us not forget either that these manufacturers are leading contractors for what is considered necessary for this Nation's physical security.

My purpose in presenting this matter today is to show what could happen if something is not done to reverse this trend.

A few years ago—1966 to be exact—the scheduled airlines showed a profit in excess of $440 million. Compare that with the projected losses for 1970 of more than $100 million.

What makes these losses even more incredible is the fact we are speaking of an industry which has annual gross sales of many billions of dollars.

There are many factors responsible for this development: fast rising labor costs, overcompetition on routes, the nationwide recession which has caused many companies to cut back air travel; and, most important, failure of the Civil Aeronautics Board to grant fare increases so as to enable the airlines to cover their growing costs.

Perhaps the most pressing problem facing the airline industry today is that of overcompetition; and what is especially disturbing about the latter situation is the paradoxical position in which the carriers find themselves.

On the one hand, the manner in which the industry has been administered has made it one of the most competitive in our Nation, while on the other, it has been denied the normal prerogatives of a competitive business.

The airlines, for example, do not have the freedom to price their product, nor the right to determine where and how they will utilize their resources. Moreover the freedom to terminate unprofitable operations is not always possible.

Unlike other public utilities, the airlines not only are not assured of a fair return on their investment, but it is be-

coming increasingly questionable as to whether or not they will be permitted by their regulatory agency, the CAB, to receive sufficient returns to maintain their existence.

What a farce this condition actually is; one that has developed in the world's most prosperous Nation, under that system—capitalism—in which we constantly express our pride.

This Civil Aeronautics Board, the servant of all the people, is directed by statute to regulate the airlines so as to "foster sound economic conditions."

Instead of emphasis being placed on the avoidance of destructive competition and wasteful duplication of services, however, it seems as though a false concept of true competition is now being adopted as the primary objective of this regulatory body.

If one couples this development with the Board's failure to grant fare increases, the monumental economic problems faced by the airline industry become even more clear.

Everyone is painfully aware of the inflation that has occurred in industry prices over the past few years. By contrast, however, airline prices have been substantially held down. It is a fact that, over the past decade, consumer prices in general have increased 31-percent, whereas the average airline ticket has increased less than 1 percent.

To further emphasize this point, a traveler pays about 39 percent more for a typical hotel room, 63 percent more for renting a car, 19 percent more for gasoline, and 56 percent more for a meal than he did 10 years ago. Nevertheless, when the airline industry recently asked for an 8-percent increase in air fares over what they were 10 years ago, the Board turned them down.

Does the CAB believe that an airline must prove insolvency, or be on the verge thereof, before it should be allowed an increase in fares?

It is not as if the Civil Aeronautics Board has not recently had the opportunity to alleviate the problem. Within the last several months the Board first turned down an interim fare increase as requested by the carriers, then denied a first capacity reduction agreement between the airlines on multicarrier routes operating at very low load factors. Interestingly enough, one of the major complaints the Board has had with the carriers is the fact that, on many major routes, the airlines offer too much capacity.

In a recent order denying a modest fare increase, the Board stated no carrier appeared to be in "jeopardy at present."

As a former businessman, with experience in the executive branch of the Federal Government, I believe this type of statement by a Federal regulatory body, which was created to foster sound economic conditions in the industry it supervises, is nothing short of incredible; and it is for this reason I title this talk, in all sincerity: "Is the Civil Aeronautics Board Deliberately Establishing Policies Designed To Achieve Government Takeover of the Airlines?"

As if these problems were not sufficient, the scheduled airline industry is also currently facing a severe challenge by the supplemental carriers. Historically, the scheduled carriers have, in effect, subsidized themselves by being able to make enough money in their peak periods to offset their losses for the rest of the year. By pricing and selling seats based on full planeloads, however, these supplemental carriers undersell the scheduled carriers, and thereby deprive them of the all-important peak traffic revenues.

The lower prices that the supplementals are able to charge are attractive, but the traffic so diverted reduces load factors, and accordingly increases the cost burden for each scheduled passenger.

Today I have touched only briefly on some of the major problems which affect our airlines. In summary, it would appear that their first and most urgent need is for a full recognition by the regulatory authorities that the airlines have reached the end of the road in terms of sparing the consumer the pressures of inflation in this one sector of the economy, at the same time all other prices and wages keep rising. The CAB should hasten to conclusion, therefore, their ratemaking investigation now underway; and grant promptly a reasonable and proper fare increase before it is too late.

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

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to join my friend, the Senator from Missouri, in his comments on the state of the airline industry.

As he knows, I have had a lifelong interest in this matter, and I have been utterly shocked during the past several months. I think that since June I have made 25 transcontinental round trips across this country, and I have seen as few as three people on airliners.

What we are watching here today, in my opinion—and what the Senator from Missouri has so eloquently stated—is another regulatory body doing to the airlines what the ICC has successfully done to the railroads. In other words, it has not allowed them to grow; it is running them broke; it is destroying the railroad industry of our country.

Before it is too late, I hope that the CAB will allow fair increases and will take a hard-nosed, realistic look at the rate structure and the stop structure. I know that any time an airline wants to drop an unprofitable stop, political pressure is brought to bear and it is not allowed to do so. I think, too, that the CAB and Congress should encourage supplemental carriers which can furnish inexpensive travel to small communities and to the large communities which should be the hub of air transport.

I thank the Senator from Missouri for having made his remarks this morning. I hope to be able to help him and others in this body who are similarly interested in seeing that the airlines can be helped all that we can.

Mr. SYMINGTON. I am very grateful for the remarks of the distinguished Senator. As we know, he is a command pilot himself, with many years of experience in air transportation. The Senator mentioned the railroads. There was a time in my life when I was identified with the railroad business. We now know the railroads are in trouble, and even their best friends admit that at times some of them have not been too well managed. In general, the reverse is true of the airlines, however. Most have been ably and courageously managed over the years.

The airlines do their best to make a profit for their stockholders under our system, in accordance with the directions given them by the Civil Aeronautics Board, but they now seem to be moving into the type and character of crisis just mentioned by the Senator from Arizona. I agree this is all most unfortunate, and what is more important, not in the best interests of the American people.

Mr. KENNEDY. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I yield.

Mr. KENNEDY. I want to commend the distinguished Senator from Missouri for making this statement today. In New England, we have had an extremely difficult time trying to develop air service, both intercity traffic as well as to other parts of the country.

Within the airline industry itself, Northeast Air Lines, for example, has been refinanced two or three different times and has had serious financial difficulties, and is now planning to merge with Northwest Air Lines.

The situation generally in New England is one of despair and poor morale, not only on the part of those involved in the industry but also on the part of travelers as well.

The statement made here by the distinguished Senator from Missouri, I know, reflects that of many of us in New England who have been unable to develop the air service to which we feel we are entitled.

The distinguished Senator from Missouri has pointed out many of the difficulties which have brought this problem about, and I commend him for it.

Mr. SYMINGTON. I am very grateful to the assistant majority leader for his wise and pertinent remarks. I know of the recent airline problems in his part of the world, and know also that the national problems incident to airline operations are perhaps more acute in the Northeast portions of the country than any other.

Again, my appreciation for the remarks of the Senator from Massachusetts.

Mr. JAVITS. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I yield.

Mr. JAVITS. I should like to put a semicolon after what the Senator from Arizona has said, and add to it that this is a serious matter because we have too many domestic airlines and the question of merging is another serious one.

I remember the big flap about having one carrier as the flag carrier of the United States all over the world—to wit, Pan American.

Perhaps we wish we had done it that

way because none of the airlines can carry the load today.

I join the Senator from Massachusetts (Mr. KENNEDY) in commending the Senator from Missouri for his fine contribution in this field. We all bring certain expertise to our jobs here. The Senator from Missouri is one of our outstanding management leaders. He is an expert and has had a great career in that field as well as in Government service.

I should like to ask the Senator from Missouri a question. He has this great problem with the financial condition and the business organization of the airlines and the railroads. Just a few days ago I suffered on the floor with the railroad labor bill, of which I hated every line, but nonetheless I felt it my duty to urge the Senate to pass it. We are not through with that problem by a long sight incidentally. We have, for example, a little "snick" of a thing to go with what we call the Prouty idea for rail passenger service in a consolidated corporation, which is a very good idea but which would only solve part of the problem.

The question I would like to ask is, with the emergency facing us, which is grave, would the Senate think it desirable to urge the President to appoint a single individual who would be in charge of developing and presenting to him and to the country a transportation policy to meet this emergency?

For example, they are working now in the other body and in the Senate to bail out Penn Central, which may shut down for lack of liquidity. The Senator is well aware of that problem. He knows the legislation I put in deals not only with Penn Central, but others who are in the same lineup, which pose a dangerous situation for the country.

What would the Senator think of that or any other idea which would zero us in on the lethargy of these regulatory commissions which have little relation to each other and often fail to see the totality of the economy as it is affected by each of these events? These regulatory commissions often are too timid to take public responsibility for rate increases or anything else which, standing alone, looks like the public is getting soaked again. It is awfully easy to make that kind of limited, narrow case. I just submit that to the Senator because he has a creative mind and has made such a fine speech.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Missouri may proceed for 5 additional minutes.

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

Mr. JAVITS. I suggest to the Senator that we should come up with an affirmative suggestion, as so many things can conspire to make this a real transportation emergency.

Mr. SYMINGTON. Mr. President, first, I thank the able Senator from New York for his undeserved but appreciated observations.

Three times in my life I was given jobs in the executive branch, by former President Truman where there were boards, the Surplus Property Board, the Board of the Reconstruction Finance Corporation and the National Security Resources Board, now the Office of Emergency Preparedness.

At my request, President Truman abolished two of those boards, and in the case of the third took the authority from the board and gave it to the Chairman of the National Resources Board. Based on this experience, I agree with one of the basic concepts of the able Senator from New York; namely, that it would be well to have an individual, if possible, conduct operations. It is a public matter as well as a matter for private industry. Perhaps for lending in certain cases we need another Reconstruction Finance Corporation, a constructive idea originated by the late President Herbert Hoover. Recently, I asked the Chairman of the Federal Reserve Board if he thought it a good idea for that Board to lend money to such corporations. He said he did, that there would be circumstances where that would be possible under the law. I am not sure in my mind whether that is a solid idea, but do feel, especially as we are trying to maintain a tax base so as to carry on the gigantic international and domestic programs we are creating, that somewhere, somehow, when the public interest is involved, something must be done to help protect the position of a public utility such as the airline industry of the United States; and also the railroad industry.

Mr. JAVITS. I would like to suggest to the Senator that I will hand him a copy of my bill, so that he may look at it, and perhaps we can work something creative out of that together.

Mr. SYMINGTON. Mr. President, I now yield to the Senator from Indiana, known as one of the authorities in this body on civil aviation.

Mr. HARTKE. I want to compliment the Senator from Missouri on his very fine speech this morning concerning this important problem of transportation. I think it is an elementary duty for all of us to watch this program, that ultimately we will be faced with more "Penn Centrals" in the aviation industry. This is one of the problems that faces the Commerce Committee at the present time, the fear that we are setting a precedent which we may ultimately never be able to terminate.

Mr. SYMINGTON. If the Senator will allow me to interrupt, he is right. Not only will the airlines be in trouble but their troubles could easily place the aircraft manufacturers in very difficult financial conditions, just as, because of heavy downpayments on new planes, the aircraft manufacturers can now place the airlines in difficult financial positions. Adding this dual financial problem to all the other problems of the American economy is serious, and could be disastrous.

Mr. HARTKE. Mr. President, I think that the Senator from Missouri is exactly right. I think we should keep in mind that we are dealing with more than just the airlines themselves. We are dealing with flights, with the traveling public, with the continuing handling and movement of cargo and people throughout our Nation.

We can have one or two things happen. Either there will be complete collapse of the whole transportation system or, I suppose, the alternative would be to run the whole transportation system.

Everyone knows there is no transportation policy today. The people are the best informed on that matter. I am not too sure that we in Congress know or that the administration knows. But the people know and know it very well. The people seem to be very far ahead in this matter. They would like to see some action. All we are doing today is adding to the rhetoric.

We do have a Department of Transportation. It was organized for the purpose of providing guidance and leadership of programs and proposals which could move us away from the edge of the precipice and back to solid ground once more. That has not been done. I hope that the Department of Transportation would exercise that type of remedy. I hope that the President would support the Department of Transportation.

The Senator from New York mentioned the railroad passenger transportation system. I do not know whether it is getting off the ground. I have been involved in it. We waited 1 whole year for the administration to give us any type of proposal whatsoever.

Congress finally moved and belatedly the administration gave its approval.

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

Mr. PEARSON. Mr. President, I ask unanimous consent that the Senator from Missouri be granted an additional 3 minutes.

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

Mr. HARTKE. Mr. President, I point out that the directors of this public corporation at this very moment have not been appointed. Yet this whole program is supposed to go into effect in May. It is this type of procrastination and delay that is haunting practically everything in America.

Yesterday we had a hearing on a new CAB member. I think he is probably a nice man. I think, however, that he is wholly unfamiliar with what is going on in the CAB.

I asked the man some questions yesterday. I did not pursue the matter any further. It became quite obvious that his whole background was in the state field. I think he will make a fine man. It will take him a year to become acquainted with this job. He is not familiar with it.

I think we put a premium on this type of person in these agencies and that the No. 1 person that qualifies for any agency is the man who knows nothing about it, has never been involved in anything in his life, and has never made a success or failure. We put a premium on failure and not on success. Some of the successes in life are failures.

Mr. SYMINGTON. Mr. President, I am very interested in the remarks of the distinguished Senator from Indiana. The practice the Senator says we are following is a violation of all precepts of good management, putting people in im-

portant fields in which they have no experience.

I thank the Senator from Indiana for his constructive contribution.

Mr. President, I yield to my good friend, the distinguished senior Senator from Kansas.

Mr. PEARSON. Mr. President, the chairman of the Aviation Subcommittee and the ranking Republican member of the Aviation Subcommittee are not present on the floor. I just came on the floor myself. Everyone has commitments today.

I look forward to reading the speech of the distinguished Senator from Missouri and studying it.

The Aviation Subcommittee of the Commerce Committee had intended to have hearings and look at the entire financial structure and the future course and anticipated funds of the airline industry perhaps this year. However, time ran out. We anticipate that we will have those hearings the first weeks of the next Congress. I look forward to either having the remarks of the distinguished Senator from Missouri printed in the RECORD or hope that he might testify at those hearings.

Essentially we need a greater coordination. Several airlines, for instance, are today seeking to get an agreement as to a limitation of flights. That matter is beyond the jurisdiction of the CAB. They are caught up with an objection from the Justice Department on restraint of trade which is natural enough.

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

Mr. PEARSON. Mr. President, I ask unanimous consent that the Senator from Missouri be permitted 1 additional minute.

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

Mr. PEARSON. The airlines today are caught up in their own competitive situation because of the number of flights and the purchase of aircraft. They are always trying to keep up with each other.

Somehow or other, I think that a greater expansion of the power of CAB is going to be essential.

I thank the Senator for his attention to this very serious problem.

Mr. SYMINGTON. Mr. President, I thank my friend and neighbor from Kansas. He knows well what the airline industry means to his State and my State, the great developments we have generated in the eastern part of his State and the western part of mine.

The Senator knows also that airlines which serve Missouri and the rest of the Nation are currently in deep financial trouble.

I was very glad to hear about those planned hearings. It would be my privilege to testify before that subcommittee any time convenient.

I am also glad about the interest this morning in what is obviously one of the more important fiscal and monetary problems the people of the United States are faced with today.

We have public utilities. We allow them to make a profit. We know that some 48 percent of those profits come back to serve programs generated on the floor of Congress.

With respect to these airlines we just do not give them the same fair rules of operation as we extend to other public utilities, and regardless of where the fault lies, if not cleared up, it could be serious to the point of disaster for the economy.

Mr. President, I yield the floor.

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 PRESIDING OFFICER. The pending business is the question of agreeing to the conference report on the transportation bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, I move to postpone the pending conference report until tomorrow, Friday, December 18, 1970.

Mr. BIBLE. Mr. President, what was the request?

The PRESIDING OFFICER. It is a motion to postpone the conference report until tomorrow, December 18.

Mr. PROXMIRE. Mr. President, in connection with the motion, which I understand is debatable, I understand from several sources—not one, but several—that the leadership in the Senate of those who support the SST intends to file a cloture motion today or tomorrow. I earnestly hope that if that cloture motion is filed today or tomorrow that Senators will not support it.

A number of us have favored majority cloture and a number of us strongly oppose the principle of unlimited debate. I am one of those, and I have voted repeatedly in the past to change the rules to provide for majority cloture. I shall do so again, and I hope we do have the opportunity to vote to change the rules to provide for majority cloture when we reconvene in January.

I always enjoy my good friends who oppose me on that principle who say that now we are using the rules to advance our purposes. Of course we play by the rules. Does anyone think we should not? After all, if one is playing football and he does not believe that a team should be allowed one point after a touchdown for just kicking the ball through the uprights, which is presently the rule in professional football, because it is believed that is too easy, and that instead a team should take a 50–50 chance and run the ball through the line, that person would not last long as a coach or a quarterback if he played by a rule other than the rule then applicable because he believed in a different principle.

The rule now is that a vote of two-thirds is required to invoke cloture and until that is obtained a Senator may talk on the matter being considered. That rule applies whether one is a northerner or a southerner, and regardless of ideological position. I do not think there is anything hypocritical or morally wrong in our taking advantage of the rules and abiding by them, and I intend to do that.

To invoke cloture on this conference report under these circumstances would be very unfair for several reasons. This is really the first opportunity we have had to discuss the conference report and, in effect, the substance of the issues on the SST, except for the debate we had, and it was an abbreviated debate, with time limitations when the SST came before the Senate on the transportation appropriation bill.

This bill has been delayed, and delayed, and delayed by the Committee on Appropriations. The bill came over from the House on May 27. It was one of the first bills to come from the House. As I pointed out just the other day, this matter has lagged 4½ months behind any other appropriation bill in the failure of the Senate Appropriations Committee to act. Let me explain what I mean by that. The next longest time the Senate has taken to act on a bill, at least to report a bill from the Committee on Appropriations after receipt from the House, was a month and a half. In this case it was 6 months. Some bills have been acted on by the Appropriations Committee in 2 weeks after receipt from the House, but no other bill has taken more than a month and a half. This bill took 6 months. That delay was not on the part of those who opposed the SST. We wanted it on the floor of the Senate and we finally got it on the floor of the Senate last fall.

We wanted to vote on the bill before the election. We did not have control of the Appropriations Subcommittee or the Committee on Appropriations. We wanted to vote before the election, but those who took a contrary position wanted to delay the vote because they felt they would be stronger after the election. They had the vote exactly when they wanted it. Everybody knows what happened. We won by a vote of 52 to 41. So the delay has been entirely on the part of those who favor the SST and who want to push it through.

The only vote up and down on the SST in either the House or the Senate was a vote resoundingly against the SST. It is true that in the House there were three or four votes, but in every single case they were on procedural motions. At one point the vote was to instruct conferees before the conferees had gone to conference. Of course, many House Members are reluctant to do that, no matter what SST view they may have. At another point there was a motion to send the conference report back with instructions, and many Members were reluctant to do that because the conference bill con-

tains many provisions in addition to the SST.

In terms of the amount of funds, the SST is about 10 percent of the total amount obligated and about 3 percent of the overall amount, including that which is in trust funds. The SST money is relatively minor in the context of the whole bill and votes in the House are understandable, despite the fact they never had a chance to vote up or down on the SST.

One might say it is up to the conferees to decide these things and that they have to act on their best judgment as to whether they can get a matter through conference. What happened here? As we all know four of the seven Senate conferees were Senators who were in favor of the SST, although the Senate had voted against the SST. Four Members of the seven from the Senate were in favor of the SST. This is in direct violation of the Senate rules. It is true we did not press this issue to a vote on the floor of the Senate at the time the conferees were appointed. The rules are very clear on this point.

On page 212 of Senate Procedure by Charles L. Watkins, the former Parliamentarian in the Senate for many years and Floyd M. Riddick, the present chief Parliamentarian, 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.

There is nothing in the rules that provides the conferees can represent a minority view. There is an explicit expression in the rules that the conferees are those, and I want to read that again, "who are in sympathy with the prevailing view of the Senate."

It might be said that the SST is only one part of the transportation appropriation bill; that there are more parts to it. We all know that it was the principal item of dispute between the Senate and the House. There was no other item of consequence in dispute between the House and the Senate. So if the Senate view was to prevail, according to the rules, then the majority of the conferees appointed should have been opposed to the SST, because that is the way the Senate voted.

Cleaves Manual, at page 284, states the same thing:

> Of course, the majority party and prevailing opinion have the majority of the managers.

There has been no answer to this. It has been conceded that it is a violation of the rules.

This is the position we are put into. The appropriation bill containing SST money was delayed and delayed and delayed, not for days or weeks, but for months, and it finally came to a vote when Senators who favored the SST wanted it to come to a vote. Then, when it came to a vote, instead of abiding by the rules that all the conferees should represent the view of the Senate, which was clearly expressed against the SST, a majority of the conferees who were appointed favored the SST, and they went to conference.

Of course, in the House there was a very substantial majority, 2 to 1. Six of the nine conferees were in favor of the SST. So what chance did we have?

It might be said that the conferees go to conference and even though the position they represent disagrees with their own view, they represent the Senate's position and they represent it sometimes with considerable vigor.

I have gone over the various conferences—significant and major conferences we have had this year—and they lasted in some cases many days, in some cases weeks, in some cases months. In one important case it has lasted more than a year because of a deadlock between the conferees, in which the Senate insists very strongly on its position, and the House insists very strongly on its position. It takes a long, long time to work that out.

Any Senator who wants to look at the back of the calendar can see there a list of measures in conference. There is one on pay comparability still unresolved since December 17, 1969, 1 year ago. That still has not been resolved.

There is a whole series of conference reports still unresolved. Many have been resolved, and resolved not in a matter of days or weeks, but of months. It took a long time.

How long did it take the conferees to resolve this matter of disagreement on the SST? They went to conference one day, and they came back the same day. I repeat, they came back the same day. They did not give those in the Senate who opposed the SST, on which we had one of the historic debates and historic decisions, certainly in the 13 years I have been in the Senate, the courtesy of delaying it a day. They did not even go through the pretense of holding it 2 or 3 days. They came back the same day and said, "We are accepting money for the SST."

It is argued that this is a compromise. What a compromise. This is a compromise in which they accepted $210 million for the SST. It is argued that this is part way between nothing and $290 million. It is argued further that we have already spent $105 million, and this is the difference between $105 million and $290 million. I guess that is what they were saying. The $105 million represents funding for $290 million for 5 months. It is continuing this month, so that makes it 6 months. The argument is that because it is being funded for 6 months, they should be able to go ahead with one-half of the remaining difference.

That does not make sense. It seems to me that half of it has been funded for 6 months, half a year; therefore the program ought to be held in abeyance for the remaining 6 months. That ought to be the 50–50 compromise.

The important issue is that there are any funds in this bill for the SST. This is something that cannot be compromised. Either the SST program continues or it does not. That recognizes what this program does to the taxpayer.

What does this conference mean in terms of what they will have to expend on the SST? Does the $80 million mean we go from $290 to $210 million? It does not mean that at all. The Department of Transportation has written to the Senator from Mississippi (Mr. STENNIS); that is Secretary Volpe has written to the Senator from Mississippi, telling him that for every dollar we reduce the program this year it is going to cost twice as much for the Federal Government before we are through. That means instead of the Federal Government's putting up $1.342 billion, we are going to have to put up $160 million more, or more than $1.5 billion.

That is a fine satisfaction to the taxpayer. The conference hits him with $160 million more for the SST. I am convinced that the majority of the taxpayers of this country oppose the SST. I polled the people in my State. I found that 95 percent of them were against it. A poll by National Educational Television Networks in all the States indicated about 85-percent opposition. Incidentally, that poll was conducted in every State. Eighty-five percent of the people were opposed to the SST. It showed that the people in the State of Washington were opposed to the SST. A majority of the people in the State of Washington were opposed to the SST.

Mr. MAGNUSON. Mr. President, if the Senator will yield, which poll was that?

Mr. PROXMIRE. That was a poll conducted by the National Educational Television Network. It got several thousand answers.

Mr. MAGNUSON. I have never heard of it.

Mr. PROXMIRE. The Senator is going to hear more about it.

Mr. MAGNUSON. Does the Senator have the results of the poll?

Mr. PROXMIRE. I certainly do.

Mr. MAGNUSON. Who conducted the poll and who did they contact?

Mr. PROXMIRE. What they did was have a television debate on the SST——

Mr. MAGNUSON. Oh, oh.

Mr. PROXMIRE. Then listeners were asked to write in their opinions pro and con.

Mr. MAGNUSON. Oh, sure.

Mr. PROXMIRE. This is one of the best balanced and fairest programs.

Mr. MAGNUSON. Which station was it on?

Mr. PROXMIRE. It was the educational television station in the State of Washington.

Mr. MAGNUSON. Which one?

Mr. PROXMIRE. I do not know which one.

Mr. MAGNUSON. The Senator ought to know before he makes that statement.

Mr. PROXMIRE. I am sure there is an educational station in the Senator's State.

Mr. MAGNUSON. We have a station at the University of Washington and we have some satellite stations at some of the other universities.

Mr. PROXMIRE. There is no educational television in Washington?

Mr. MAGNUSON. Yes; the University of Washington has one.

Mr. PROXMIRE. That is one listened to and viewed by people throughout the city?

Mr. MAGNUSON. Yes. As a matter of fact, I am the father of educational TV.

Mr. PROXMIRE. I know the Senator is. That is why I would be shocked if Seattle and the State of Washington did not have a vigorous educational TV program.

Mr. MAGNUSON. Why does not the Senator put into the RECORD the number of people who responded and who made the responses? That is the trouble with these polls.

Mr. PROXMIRE. I did that before, but I shall be glad to do it again.

Mr. MAGNUSON. I have never heard of it, and I try to keep close touch with matters in my own State. I cannot keep track of all the debates that go on all the television stations, but I am sure the Senator would realize that if an accurate poll were taken in the State of Washington the results would be entirely contrary to the poll cited by the Senator from Wisconsin. With 100,000 people walking the streets unemployed, the Senator should know what would happen.

Mr. PROXMIRE. As far as 100,000 people walking the streets unemployed are concerned, as the Senator knows, as he indicated yesterday, some 6,000 of them work on the SST. How many work on the SST in Seattle now?

Mr. MAGNUSON. Right now about 6,800.

Mr. PROXMIRE. The Senator also knows that one of the most important industries in Washington, as in Oregon and all over the Northwest, is lumber, as well as the housing industry. The Senator also knows that if this money were used in the emergency mortgage credit financing program it would provide infinitely more jobs in Washington and the country by providing the opportunity for people to buy homes now who cannot buy them. I know the Senator will say, "Spend it on both"——

Mr. MAGNUSON. We ought to do both.

Mr. PROXMIRE. We ought to do both, but the administration is not going to do that. It has only so much to spend.

Mr. MAGNUSON. I do not know about that, but I want the Senator to put in the RECORD the poll he has discussed.

Mr. PROXMIRE. I shall be delighted to put that in the RECORD. Furthermore, there have been a whole series of other polls conducted by Members of Congress, polls admittedly not scientific. I conducted one, but there are others, in which tens of thousands of letters were written to constituents, and they were asked to write back stating where they stood on various issues, and every single one of those polls conducted on the SST had responses eight or ten to one against it.

Mr. MAGNUSON. Why not put them all in the RECORD—including the polls the Senator conducted?

Mr. PROXMIRE. I shall be delighted to. I put it in 2 years ago, but I will do it again this year.

Mr. MAGNUSON. The Senator from Wisconsin seems to know more about the State I represent than I do, and I spend a lot of time at home. I talk to people, and I know what they think, and I am sure I would be aware of any such poll, but I am not. I would like to know how many people replied?

Mr. PROXMIRE. I shall be delighted to put that in the RECORD.

Mr. MAGNUSON. Would the Senator say 100 people?

Mr. PROXMIRE. I do not know precisely how many replied at the present time, but I shall be happy to put that in the RECORD. There was a very substantial response in the country as a whole. The number in the State of Washington was probably not very great, but it was representative.

Mr. MAGNUSON. Yes. Put it in the RECORD, so I shall know about it. I am glad to learn about my own State through the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from Washington is a good Senator, and has a remarkable memory. I am surprised he does not remember the time I put the same material in the RECORD 2 years ago.

Mr. MAGNUSON. That was 3 years ago?

Mr. PROXMIRE. Two years ago.

Mr. MAGNUSON. I thought it was more recent. Two years ago, they had this particular debate?

Mr. PROXMIRE. That particular poll; but there have been many polls since then, and they consistently show one thing, and that is that the majority of the American people are against the SST. The only poll that has been held in the State of Washington that I know of was strongly against the SST. If the Senator has a poll since then—he says he has talked to a lot of the people, and he is convinced the people are for it——

Mr. MAGNUSON. I did not take a poll. I just do the best I know how.

Mr. PROXMIRE. The Senator is very able. The polls show that the great majority of the taxpayers are against this program. But what did the conferees do for the taxpayers? Instead of $243 million, they increase their cost to $1.5 billion.

Mr. MAGNUSON. Mr. President, will the Senator yield? I just came in from one conference, and I am due at another.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington without losing my right to the floor, and without my subsequent remarks being counted as a second speech.

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

Mr. MAGNUSON. I have another conference involving HEW matters which the Senator from Wisconsin is interested in and which I am for. I would however, like to know if there is a recent poll in the State of Washington, a responsible poll, which supports what the Senator says. Three years ago they may have had a discussion on it. There is a lot of discussion out there. When you are out of a job, you have a lot of discussion about where you are going to get work.

Mr. PROXMIRE. May I say to the Senator that I know of no recent poll in the State of Washington about the SST, but the only poll there I know about indicates that the people of the State of Washington were opposed to the SST, the majority were. That poll may or may not be valid.

Mr. MAGNUSON. That is the most far-out statement I have ever heard. That is typical of all these statements; they are all speculative.

Mr. PROXMIRE. The Senator comes on the floor and says there is no truth in it——

Mr. MAGNUSON. I did not say there was no truth in it.

Mr. PROXMIRE. All right, no validity in it.

Mr. MAGNUSON. All right; someone might listen to a television program, and 100 people respond, or 150 people—I doubt if there were that many. I do not know what station it was on. We have some stations in Seattle where possibly three commentators who would have slanted views on these things, might raise this issue, but I will bet if they sent a letter in, they would say we are doing a great job on the environment out in our State.

Mr. PROXMIRE. The Senator may be doing a great job on the environment; I am sure he is doing a great job of getting this SST thing through against the opposition of the majority of the American people and the majority of the U.S. Senate.

I ask the Senator from Washington to show me any poll ever conducted by anyone which shows a majority of the people were for the SST. I do not say all the polls are completely scientific or valid, but the only polls we have had indicated public opposition to the SST. Neither the Senator from Washington nor the Senator from Nevada can show me any public support for it. Where is that public support? The Senator can come in and contest what we have, but he cannot contradict it with any polls of his own which show the contrary.

Mr. MAGNUSON. There was not much public support when Columbus sailed over the ocean. There was not much public support for the first automobile. There was not much public support for the first jet plane. Nobody knew about all the details on the facts.

Mr. PROXMIRE. The first automobile and the first jet plane were not subsidized by the Federal Government. When the first jet plane was produced commercially, former Senator Monroney came in and tried to have us do exactly the same thing, in 1951 or 1952. He came in and told us we would not be able to have a subsonic commercial air fleet unless the Government subsidized it. The Senate agreed with that, and passed it. The House disagreed, and the private sector went ahead by itself, and the result was we have a subsonic fleet which is No. 1 in the world.

Mr. MAGNUSON. We are No. 1 now, and we want to keep it that way.

Mr. PROXMIRE. That is right; because we rejected support by the Federal Government, and let the freedom of the marketplace prevail.

Mr. MAGNUSON. Does the Senator know that today there are supersonic planes flying over the United States?

Mr. PROXMIRE. That is correct, military planes. Of course they are a different matter.

Mr. MAGNUSON. They are flying all over the world.

Mr. PROXMIRE. Of course, there are.

Mr. MAGNUSON. And nothing particularly serious has happened yet. But I think we ought to do a protective job—and I agree with the Senator—we are now talking about 4 years in the future, at least. I believe we ought to have all the safeguards we can, and I am going to join with him and he is going to join with me in doing this.

Mr. PROXMIRE. Mr. President, we ought to write those safeguards in before we appropriate the money; otherwise, we will never get the safeguards.

Mr. MAGNUSON. Let us not stand here and say we have no future in aviation. Of course we do. I went through NASA; I handled that appropriation for many years. In the beginning, we were told over and over and over we should not have a space program.

I think we ought to cut down on that program now. The Senator and I agree on that. He agrees, too. We made the program a great success, and the spinoff for American technology will continue for a hundred years.

Mr. PROXMIRE. Maybe it will. We know there has been a lot of spinoff for other programs. But we have already put enormous amounts into research on military supersonic bombers, and private industry should rely on that research. This has been the pattern in the past; the military goes ahead with its aircraft, and then private industry takes advantage of it. Why can they not do that for the commercial supersonic aircraft?

Mr. MAGNUSON. And as a matter of fact, the American jet planes that now dominate the world were a spinoff of the original B–52.

Mr. PROXMIRE. I have no objection, if the Senator wants to——

Mr. MAGNUSON. This is just the reverse situation. When the Defense Department testified, although we all know we have supersonic planes flying right now. The French have supersonic military planes flying, the British have, the Italians have, and so do the Russians.

Mr. PROXMIRE. The answer, of course, is that there are a number of military supersonic planes.

Mr. MAGNUSON. And large ones, flying all over the world today.

Mr. PROXMIRE. The argument is, Why can we not have more, and have them commercial? The answer to that is that the commercial supersonic aircraft would be entirely different than the military supersonic planes. First, they would fly a great deal more regularly. They would be in the air a great deal longer. They would fly at much greater heights, and fly in the same limited corridors; and on the basis of the evidence, top scientists have suggested that that could have a very serious effect on the ozone.

Furthermore, the people in Milwaukee and Oklahoma City and other areas where they have been exposed to the sonic booms can indicate what a dreadful and unfortunate experience that can be. As a matter of fact, thousands of dollars of claims have been made and are being made now in the State of Wisconsin against the Federal Government because of B-58 supersonic flights over Milwaukee.

We are talking about something that is much more profound, with much greater impact over a much wider area than the kind of sonic boom that you get from a supersonic fighter. This is a much bigger plane, as I say, it flies at much greater height, and what that means is that the boom is greater and the extent of the boom is far wider.

Mr. President, it is on this very point that the conferees gave the Senate no assurance and no protection whatsoever. It is on this issue of protection against noise which the Senator from Washington has raised on which the conferees gave us no further assurance at all; and they should have.

Certainly, in the debate that took place on the floor of the Senate, when a majority of Senators voted against the SST, one of the big issues was the noise factor. In order to reassure the Senate and the country on this, the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) came in with a bill that would have prohibited supersonic commercial flight over the United States, over anywhere in the continental United States or Hawaii or Alaska. They also provided in that bill that the plane would not be certified, that the contracts would be voided, unless they were able to get the airport noise, the perceived noise decibels down to 108 PND—perceived noise decibels.

That bill was passed unanimously by the Senate. Apparently, all Senators felt that that was necessary and desirable. We relied on that bill, and it was supported by the strongest supporters of the SST—that there should be a law prohibiting supersonic flights by commercial planes over this country; that there should be a law prohibiting these planes from being purchased by the Federal Government unless they met the airport noise standards.

What happened to that bill? That bill passed the Senate a day or two before we voted on the supersonic transport. It went to the House, and it has not been heard from since. It is pigeonholed in the House Commerce Committee. No hearings are scheduled; there is no indication of action. Regardless of the action taken by the majority leader or anyone else, we have to adjourn on January 3. There is virtually no chance that that bill will become law by January 3. If that bill does not become law by January 3, it is dead; the action taken by the Senate means nothing.

Mr. President, the conferees could have considered this; they could have recognized this. They could have had language written into the report urging the House to act on this bill. Conceivably, if the managers on the part of the House had been sufficiently concerned—they could have acceded to some kind of limitation, or they could have come back to the Senate and the House and said, "We would like to strengthen this bill before we send it back to conference," and had gotten the approval of the Senate or the House for strengthening the bill by writing into it the requirement that before funds are appropriated, that noise protection bill should become law. That was not done. There was no protection, no further added protection, in spite of the fact that the noise protection bill passed the Senate unanimously.

We would be pretty foolish if we permitted this SST money to be appropriated before we got that kind of protection. If we cannot get it now, we certainly are not going to get it after the $290 million has been appropriated; and this is by far the biggest appropriation we are going to have for this program.

Mr. President, I ask unanimous consent to yield briefly to the distinguished Senator from Indiana (Mr. HARTKE), without losing my right to the floor and without my yielding being counted as a second speech.

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

PENSION AND COMPENSATION PAYMENTS

Mr. HARTKE. Mr. President, I ask unanimous consent that the action of the Senate this morning in passing Calendar No. 1450, H.R. 15911, be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. Mr. President, reserving the right to object, will the Senator identify what he is speaking about?

Mr. HARTKE. This is a bill which concerns veterans' benefits and the effect of the social security increase on veterans' benefits. I have talked with the majority leader. I talked with the chairman of the Veterans' Committee, the Senator from Georgia (Mr. TALMADGE), and he informed me to inform the Senate that he and the Senator from Utah (Mr. BENNETT) agree that what we should do is pass the House bill. The action taken this morning was taken inadvertently. It was not intended.

Mr. HANSEN. Would the Senator from Indiana withhold his request for a moment so that we might have a short quorum call? I want to accommodate the Senator.

Mr. HARTKE. Why do I not relinquish the right to the floor?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana and the distinguished Senator from Wyoming may ask for a brief quorum call, without my losing my right to the floor and without my yielding for that purpose being counted as a second speech.

Mr. BIBLE. Mr. President, will the Senator yield to me for an inquiry of the Senator from Indiana?

I have no disposition to object, but I do not want to be displaced on the present bill. Could we have some indication of what this involves?

Mr. MANSFIELD. Mr. President, this has to do with payments to veterans, and it has a termination date at the end of this year. It is a matter which I think was incorporated originally in the combination bill reported by the Committee on Finance. Now it was called up separately. I understand that there is no objection to it.

I would appreciate it if the acting minority leader would check into the matter, to make sure.

I ask unanimous consent that, under

any and all circumstances, the distinguished Senator from Nevada does not lose his right to the floor, and that the pending bill not be displaced.

Mr. BIBLE. I appreciate that. I think we are acting in good faith in trying to move forward toward recessing at the earliest date.

The PRESIDING OFFICER. It is the understanding of the Chair that under the unanimous-consent request the pending business would not be displaced.

Mr. BIBLE. May I have some indication from the Senator from Indiana how much time would be involved in this?

Mr. HARTKE. It will take less than a minute.

Mr. BIBLE. All right.

The PRESIDING OFFICER. There is a unanimous-consent request for a brief quorum call. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Kentucky (Mr. COOK), without losing my right to the floor and without my yielding being considered as a second speech.

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

ELMER M. GRADE AND THE "DELTA QUEEN"—CONFERENCE REPORT

Mr. COOK. 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. 6114) for the relief of Elmer M. Grade.

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

The PRESIDING OFFICER (Mr. HUGHES). 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 16, 1970, page 42036, CONGRESSIONAL RECORD.)

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

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 understand that the Senator from Indiana and the Senator from Wyoming wanted a brief quorum call. I will continue with my discussion, and then they can come back with their matter later.

Mr. President, the conferees provided no further protection whatever on the noise issue, and we are now rather certain that this bill is going to die with the adjournment of this Congress. There will be no further protection against sonic boom flights, by law, and no protection against the tremendous additional noise made by the supersonic transport at airports. That bill passed the Senate unanimously; there was no dispute about it; and now it is going to die. We are given no protection in the conference report.

I think that to go ahead with the SST would be foolish, and those who oppose the SST would be derelict in our duty if we permitted the SST money to be appropriated under these circumstances.

Furthermore, an even more significant environmental issue is the effect of the supersonic flight, because the supersonic transport plane will fly at great heights, much greater than the military supersonics fly. It flies at 65,000 to 70,000 feet altitude, where the environment is stable and rare, where emissions do not disintegrate, where they have a profound effect on the environment and on the ozone. That is why eminent scientists say it is very possible—some say likely—that a significant and substantial part of the ozone could be destroyed. The ozone, as we know, is that part of the upper atmosphere which prevents ultraviolet radiation on this planet. It prevents the kind of ultraviolet radiation that can cause serious illness or death. As a matter of fact, without ozone, no life can exist on earth except in the oceans.

This is the kind of risk we will be taking if the SST is produced, the kind of risk we should not take. We should not appropriate money until we get the answers. If we do appropriate the money, we should have a reliable and objective and competent commission to be able to interpret the effects of the SST before it goes into production.

The Department of Transportation tells us that they have appointed that kind of commission. That is their function. They have asked for $4 million in this appropriation bill and $23 million is available elsewhere. That $27 million will be spent to get the answers as to whether this kind of flying by commercial SST's would destroy the ozone and would have an effect on radiation and other adverse effects on the environment and on human health on this earth.

The difficulty is that that commission is a loaded commission. The deck is really stacked.

Who is on the commission? Are the people appointed by President Nixon in 1969 to the environmental panel, the experts appointed by President Nixon to give the answers, on the commission?

The answer is "No."

No one from the Department of Health, Education, and Welfare is on that commission. The Department of Health, Education, and Welfare is the expert department, the competent department, the responsible department to let us know the effects of SST flights on human health.

Dr. Egeberg has written to the Department of Transportation indicating great concern, and indicating the area in which the SST should be carefully examined, to determine whether it can have an effect radiologically, and in various other ways, on the health of people. But no HEW representative is on the Environmental Commission.

The Interior Department was also on the President's Commission on the SST. They raised troublesome problems as to the effect of the SST on the environment.

Are they on that commission?

No, they are not. They are off. They are not appointed to it. They should be on it.

The Office of Science and Technology we all recognize is competent in this field and can give us some answers as to the effect of the SST on the environment. They were critical of the SST when they were appointed by President Nixon.

Is there any member of the Office of Science and Technology, any official, on that commission?

The answer is no.

One of the principal environmental experts—I suppose "the" principal environmental expert—in the Federal Government for the past year or more has been Russell Train. His office has raised serious questions about the environmental impact of the SST.

Is Russell Train on that commission, or anyone else from his office?

The answer is no. He is not on that commission.

On that commission, in addition to the Air Force, and the Space Agency, the Transportation Department, the Commerce Department and other agencies which favor the SST is McDonnell-Douglas. In addition to them, there is American Air Lines. They have a financial interest in this. They will make a profit if the SST flies. They favor the SST because they want to make money. That is a perfectly legitimate and wholesome attitude. But they are on that commission. They would determine whether the SST has an adverse effect on the environment. Of course, these are private institutions. What competence, if any, do they have on the environment?

Now, Mr. President, if we are going to have private institutions on that commission, if we are going to have American Airlines and McDonnell-Douglas, why not have the conservation groups represented, such as the Sierra Club, or other private agencies who have competence, interest, and, incidentally, no financial connection, no conflict of interest, indeed, in whether the SST flies or not.

How can a taxpayer, who is going to have to pay out at least $1.5 billion—in my view probably $3 billion or $4 billion before this is through—have any confidence in a commission which is clearly loaded and which excludes all those who have the competence and objectivity to give clear answers as to whether the SST pollutes the environment.

The point I make is that what the conferees should do, if they are going to give us any reassurance of any real

progress, or if this conference report is going to make compromises, they should make sure of an environmental commission that will evaluate the results of the SST with these people I have suggested and listed. If the conferees had come back with a report in which language was provided that this commission should be changed, either we drop some of those who have a clear financial interest in promoting the SST or include those who have a clear environmental interest in evaluating the results of the SST; otherwise, it seems to me, we should not permit the conference report to pass.

The environmental issue is a very important issue. My colleague from Wisconsin, Mr. NELSON, has done a marvelous job and he will continue to do it, I am sure, in pointing out the environmental hazards of the SST, but that is only one of the two principal reasons why we oppose it, neither one of which are encompassed by any kind of compromise in the conference report.

The second reason, which is a very vital reason, is priorities.

How can we justify spending $290 million on the SST this year when it has such a great potential for polluting the environment, and only $105 million to combat air pollution?

How can we justify spending $290 million on the SST this year, at least $1,500,000,000 before we are through and probably $3 or $4 billion, when the New York Times this morning publishes the following article on its front page, which I read in part:

> The Nixon Administration is considering cutting off funds for VISTA as part of a 23 per cent trim in antipoverty fund requests in the 1972 budget.
>
> According to an internal working document of the Office of Economic Opportunity, the Office of Management and Budget has suggested severe spending reductions for research and development, community action and health and nutrition, and no funding for VISTA—Volunteers in Service to America—or the rural loans program.

Mr. President, I understand that this is about $150 million that would be cut, $150 million which would be used to help poor people make some progress in providing opportunities for themselves in this country, who definitely need the $150 million, but that, it seems, is too much; but $290 million for the SST—go ahead—go ahead.

How can we justify priorities of that kind?

Does that make any sense at all?

It seems to me that if the administration is really serious about a responsible fiscal policy, the first thing they have to do is to stop spending money on the SST.

How can anyone really take them seriously, that they want to have economy in the programs that are vital to human health, to education, to giving people an opportunity to be retrained, and say that we cannot have money for that but we can provide $290 million for the SST? That just does not make any sense at all.

Mr. President, before I conclude, and I am about to conclude, I should like to refer to an article which was published in a magazine recently because I think it spells out the issue very well. This is an article which was published in the New Yorker magazine on June 20, 1970.

It reads:

> A friend of ours who was in Washington not long ago phoned a number at the Department of Transportation and was interested to be answered by a recording on which a woman declared that the SST—the proposed American supersonic transport—wasn't going to be as noisy as a lot of people were making out. The recorded lady said that the noise problems would be minimized by the time the SST went into commercial service, in 1978, and that, furthermore, the SST would make jobs and assist the balance of payments. This was two days before the House of Representatives voted on the transportation budget for fiscal 1971—a budget that included two hundred and ninety million dollars for the super-jet. Calling back two evenings later, our friend heard a recorded man express Transportation Secretary John Volpe's pleasure that the House had approved funds for the SST (the man neglected to mention that the vote was a close shave, 176 for, 163 against), and add that Mr. Volpe intended to make sure the SST was "environmentally acceptable."
>
> Incidentally, I am also sure the recording voice also neglected to mention the fact that it was not on an up-and-down vote but was a procedural vote which once again made it impossible for the Members of the House to register their vote on the SST.

I continue to read from the article:

> Our friend says he is now working on a recording that interested parties will be able to hear by dialing his number. First of all, there will be three minutes of Muzak interspersed with snatches of Hollywood recommended-for-general-audiences dialogue, to give some idea of what the two hundred or so SST passengers will be hearing as they flash across the Atlantic at 1,800 m.p.h. After this will come a five-minute medley: first, the sounds (recorded within five inches of the mike) of forty-three Waring Blendors working at maximum revs, to approximate the lift-off noise of the SST within five hundred feet of the runway; next, the splintering of wood, the tearing of canvas, the rupturing of aluminum, and the rending of wire, to suggest the effect of the SST's sonic boom on a yacht engaged in an arduous solo crossing of the Atlantic; then a wild 145-dbA scream, which can be taken for the shriek of a demented single-handled yachtsman jumping overboard, or for the wail of a school of Icelandic cod driven berserk by the fifty-mile-wide boom. There will follow the shattering of a giant panel of glass, representing the windows on the promenade deck of the Queen Elizabeth 2; a downpour of rain, symbolizing the continuous monsoon that will probably affect the belt of earth bounded by Washington, Boston, London, and Rome as soon as its ordinary cloud cover is sufficiently intensified by SST vapor trails; the shredding of a quarto of onionskin stationery, to simulate the tearing up of a billion dollars, figured to be the taxpayers' contribution to the design of the SST so far; the honking of several thousand car horns, to give some idea of the three-hour trip into town from the special, "compatible" airport that the Federal Aviation Administration says the SST will use, far away from residential communities; and, finally, a weird, apocalyptic note, reminiscent of the last trump, which our friend says he has contrived by recording the phrase "environmentally acceptable" a hundred and seventy-six times and playing it back at 1,800 r.p.m.

Mr. President, this article from the New Yorker Magazine of June 20, 1970, may overstate the case somewhat. But I think it indicates what the problem is for the great majority of the American people. They are asked to pay and pay and pay for a supersonic transport from which they will get nothing but noise and the potentiality that it might have a seriously adverse effect on their health.

Under these circumstances, it seems to me that those of us who are opposed to the conference report have a duty to do our best to prevent the Senate from adopting it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HART). The junior Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I commend the senior Senator from Wisconsin for his persistent and effective fight on this issue, now for a half a dozen years. I associate myself with the remarks he has just made in opposing the supersonic transport.

Mr. President, yesterday the senior Senator from Delaware made a proposal that there be a limitation of debate on all issues pending before the Senate including a limitation of debate on the conference report on the Department of Transportation appropriations bill, which includes the appropriations for funding the continuance of the building of the prototype supersonic transport. I did not have an opportunity to remark about that proposal yesterday. But I think it ought to be noted that if anyone in the Senate in the middle of the legislative year were to make the suggestion—the incredible suggestion—that we ought to take up a major family assistance plan, with dramatic implications and involving a dramatic change in the whole welfare plan of America, and then take up the very significant trade bill, with its worldwide implications, and then take up a social security bill containing some very fine provisions and also some broad implications, because it includes the provisions for catastrophic insurance—if anyone had a limitation of debate on these three major programs of 10 legislative days for each," there would have been objection on the ground that that would not be enough time for us to deal with these comprehensive measures, and the objection would be well founded.

We never would have gotten such a time limitation agreement on the floor because these are major bills that require careful analysis, debate, and discussion in depth before the Senate acts. Yet the suggestion was made yesterday that we tie the debate down to 6 hours on each of these measures, including the transportation bill.

I think it was done humorously by our good friend, the senior Senator from Delaware. He would be the first one to say in midsession that we cannot deal with these problems in 6 hours. There is hardly a Member of the Senate, other than the members of the committee, that has read the bill or the testimony. I am not even sure that all members of our parent committee have read the bill and all of the testimony because everyone has been

busy every day. We need to have several days to address ourselves to each one of these problems.

I have asked several of my colleagues, "Have you read the bill; have you read the testimony?" They gave the same answer I would have to give. They said no. Yet it was suggested that we deal with these matters in 6 hours. We all know that is impossible if we are to make any pretense of serious consideration of these measures.

I was astonished when I heard the radio news report quoting the President as saying that if Congress did not pass the Family Assistance Act, he would call Congress back on December 26.

The President has been a Member of the Senate. He knows very well that it requires much more debate than there is time left in this session.

I endorse the concept of the family assistance plan but I want to see the details. Of course we can come back on December 26 but these bills cannot be given proper consideration by the 3d of January. There is no way to do it. Everyone knows that.

Now, Mr. President, as to the Department of Transportation appropriation, the suggestion has been made that this is a filibuster. I wish to point out that the use of the filibuster in this body has never been to defend the majority viewpoint; it has always been a minority attempting to stop the majority from working its will. That is what a filibuster is for.

Rule XXII provides that there must be a two-thirds majority to terminate debate; that means 67 Senators. So there can be 66 Senators who want to act and pass a bill, and a minority of 33 Senators can stop the majority from acting. However, we are here defending the majority position. A decisive majority voted to remove the appropriation for the SST from the Department of Transportation budget.

Then, there was a conference. I am sure, and I respect the word of my colleague from Nevada and my colleague from Mississippi, that the House was absolutely adamant. I know when the Senator from Mississippi and the Senator from Nevada say that they are telling the truth. I have been in conferences with Members from the House of Representatives, too, and I believe they are correct when they say it would not have mattered if they had stayed in conference 2 days, 5 days, or 10 days, the House would not have given in. But that is no reason for this body to give in. It is not a reason because the majority on that side does not agree with the majority on this side that we have to give up on this point, and I do not intend to.

I emphasize that the discussion here on the part of those of us who are opposed to this conference report is a discussion and debate in behalf of the majority view of the Senate and not a dilatory tactic by a minority that would like to enforce its viewpoint on a majority at the end of a session. It is the other way around.

We know the Department of Transportation has to be funded. There is a very simple answer to that: Pass a continuing resolution, fund the Department of Transportation without the SST funds in it. As a matter of fact, I suppose there would be no problem with bringing up a continuing resolution with the SST fund in it and then having a vote as to whether we include it in or not. We will vote again and get the decision of the Senate again to eliminate the SST funds, which we would do, and pass the continuing resolution. It is our responsibility. Let us not hold the Department of Transportation budget as hostage because we have some people who insist on the other side that we have to have funds for the SST.

So there is a simple answer to this matter: pass the resolution, leave out the SST funds, bring it up again in January, and have another vote on it.

As my colleague from Wisconsin (Mr. PROXMIRE) said, we will agree to a limitation of time, there will not be a filibuster, take 2 days, 1 day, or a half day, and vote again in January. If the Senate changes its mind, which I do not think it will, only 3 weeks will have been lost in any event.

But I am not prepared to let a conference report go through with the SST funds in it against the majority view of this body. We cannot have an honest and fair vote on this issue because it is tied in with the Department of Transportation funds. Many Senators who feel strongly about the SST do not want to vote against the appropriation for the Department of Transportation. Separate the issue. We will have a vote in 15 minutes and it will be over with one way or the other, or take this measure and put it at the end of the session.

There was much discussion yesterday that we had to act on social security, that we had to act on the trade bill, and that we had to act on the family assistance plan. If that is the case, let us take this conference report and put it at the end of the line of bills and then take it up. If Senators think they can vote on these measures and they want a limitation of time, I will not argue about it, but put it at the end of the debate so we can continue with our discussion on an issue in which the Senate has expressed its majority view quite decisively after all other measures have been acted upon.

Mr. President, I was reading the CONGRESSIONAL RECORD of yesterday. The distinguished Senator from Nevada quoted from an article in the Washington Evening Star of December 15, by a very fine writer, and I might say a writer whom I read all the time, a very fine and intelligent man, Crosby S. Noyes. The Senator from Nevada (Mr. BIBLE) said:

> I thought it was extremely well done. It is rather short, and it is a powerful argument why the SST should go forward.

Mr. President, I wish to read from the article. It states:

> Of all the arguments that have been raised against 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.

I disagree with the first paragraph, and I agree with the second.

Mr. Noyes continues:

> There are many reasons from the standpoint of economics or national priorities for questioning the wisdom of mass production of the SST.

I agree with that sentence, too. He continues:

> But there would have been no question about continuing the present experimental program except for the political power of the conservationists lobby on Capitol Hill.

I agree with that sentence, too. In fact I am thrilled by the idea that the environmental issue has come of age in this country and that it is going to be considered henceforth. It is going to be woven into the discussion of every technological development we get involved in henceforth. It is a historic development in the dialog about the status of the human and all other species. Everybody should be pleased that it has happened.

Now, I shall read the next sentence.

> The arguments of the conservationists are weak because they are very largely unproven.

Well, that is the sentence with which I disagree, that the arguments are weak because they are unproven. It is true that some of the arguments are unproven, and others are so obvious that it would hardly take any more proof to conclude that the environmental consequences are serious.

Well, that has been the argument all the way through the history of the debate over the environment. Those who have been concerned have lost decade after decade on the argument that you cannot stop progress and on the argument that your concerns are unproven. So we have to wait for the proof—that is what we have done—each tragic step of the way.

Even as long ago as when this great country was forested all the way to the Mississippi and all down the length of the west coast with the most magnificent forests on the face of the globe, William Penn insisted that if you cut the trees in the territory that later became Pennsylvania, you should cut 4 acres out of 5 and leave 1 acre standing. Even William Penn understood that. But as the great migration went West, that sensible conservation practice was lost in the mad rush of timber barons to get rich. We clear cut the forests, over the hills of Virginia, across the Ohio River into Ohio and Kentucky, into my State of Wisconsin, into Minnesota, and all the way across the South. We had forest fires for a quarter of a century afterward. We had siltation of the lakes, destruction of scenic beauty, wiping out of resources that could have been used on a sustained yield basis for the rest of the history of the Nation.

But all the conservationists, starting with John Muir in the middle of the 1800's, were considered "nuts" of the same kind. They were trying to lock up our resources. That was true even down to Teddy Roosevelt, who had the foresight 65 years ago, out of his alarm over what was going on in our country, to call

a conference of Governors in 1906. He said at that time the most important issue facing this Nation was the conservation of our resources. Imagine, 1906—a rural country yet, with half the people living on the farm, and most of our lakes yet unpolluted. Teddy Roosevelt was concerned, as was John Muir ahead of him. So he called a conference. Did anybody pay any attention to it? No.

As one reads the conservation arguments in books and articles all the way through this century for the past 70 years—and there have been many great writers on this subject—we can only conclude that no one listened. For the last 70 years, and before, the environmentalists have lost all major battles on the argument. You are against progress and your obligations are unproven.

Well, it has been proved every step of the way. Do we have to do it again?

Just 10 years ago a very great lady, Rachel Carson, wrote a book called "Silent Spring." You all remember that. Rachel Carson raised the alarm that we are polluting and degrading the environment worldwide by the indiscriminate use of pesticides and herbicides. It was a great book.

The entomologists and many others attacked her. They said she was not qualified to reach those conclusions; she was a foolish alarmist; her case was unproved. She was attacked all across the country by the chemical industry, the herbicide industry, the pesticide industry, agriculture authorities, scientists of all kinds. They attacked Rachel Carson because her case was unproved and she exaggerated—a terrible exaggeration, they said.

I talked with a distinguished scientist at that time at the University of Wisconsin. I said:

All right, what do you think? Is her case unproved? Is she on unsound grounds?

He had the perception to understand. He said:

Yes, her case is unproved, but the proof is coming in and my guess is that she has not exaggerated the case. She has understated it.

His was a lonely voice, among some others in the fields of biology and ecology and some of those "nuts" who are trying to stop progress.

Okay, case unproved. What is the proof now, in just a decade? What is the proof, and do we have to go through this every single time that the case is unproved? So let us go ahead and prove it the hard way. So we will intrude into the stratosphere, and we will put nitrogen oxides up there, we will put water vapor up there, we will put 500 SST's up there, and we will add 10 percent to the water vapor in the stratosphere worldwide and 60 percent in the heavily travelled North Atlantic routes. We will play Russian roulette on a global basis with the environment, because the case is unproven. But when the proof comes in, it will be too late.

Now, let us look at Rachel Carson's case, in which she stated what some other thoughtful scientists had been saying about the massive indiscriminate use of herbicides and pesticides all across the Nation.

What is the case? The case is that what we have done is a disaster—right now it is a disaster, and the final ramifications of that disaster are unknown. But what we do know is disastrous already.

I remember the issue very well because 6 years ago I introduced a bill to ban the use of DDT, and I could not find any Senator who would cosponsor it. I could not find any Member of the House to introduce it, although some of my good conservationist friends over there said, "I think you are right, but I do not want to be attacked as a 'nut.' DDT is the most widely used chlorinated hydrocarbon for controlling pests and it is cheap, too and there is no way to stop it politically because its use is so popular."

So that battle went on. Finally everybody became alarmed. At the time I introduced the bill a member of our own conservation department in Wisconsin attacked me. Now everyone is alarmed and they are all scrambling to get it off the market and control its use.

Well, why? Because that unproved case of Rachel Carson's is finally proved. I cannot tell you what the proof is, because there is so much that is unknown yet, but I can tell you a few things.

As long as 3 years ago some scientists took 400 miscellaneous marine creatures from various places out of the ocean and examined them. Of these marine creatures 396 had DDT in their fatty tissue. Every human being in this country, and all over the world, too, even in remotest Africa, has DDT in his fatty tissue. This is because as we sprayed it into the ground, it went through the water courses into the lakes and oceans, into the air, was absorbed by water vapor, and was taken across the Indian Ocean, across Africa, all around the globe.

It is everywhere. So far as I know, there is not an animal creature in this country without DDT in its fatty tissue and innumerable species of birds, too.

What does DDT do? When you spray DDT into a watershed it then goes into the ocean, the streams, the lakes, the soil, and the air currents of the world.

Then biological magnification occurs. It is absorbed by tiny creatures, which are eaten by other creatures, which are eaten by little fish, which are eaten by bigger fish, which are finally eaten by the raptor birds at the end of the food chain such as the bald eagle and the peregrine falcon. You start out with one part per 10 million in the water, and you end up, in some of our birds, with 1,500 parts per million, because of biological magnification—the increasing concentration up the food chain.

What does it mean? Well, it means we are driving the birds at the end of the food chain to extinction. The bald eagle, the peregrine falcon, the osprey, and how many more no one knows. And why? What is the dramatic effect on this creature, which is the test creature because, as I say, he is a raptor bird, eating at the end of the food chain, and as a consequence of biological magnification is getting massive doses of DDT?

Well, the result is that the hen absorbs so much DDT that her enzyme capacity to produce sufficient calcium to create an egg that is strong enough to hold the chick until it is big enough to hatch is inhibited. So the egg does not hatch. So we are now witnessing the extinction of these magnificent creatures. Now the hottest eggs in the country in DDT are down in the Everglades. They do not spray it down there. The Park Service will not let DDT be used in the Everglades. Where did it come from? It came out of the air currents and through the water courses that flow into the Everglades—the greatest ecological comdown there, too, by our use of DDT elseplex of its kind on the face of the earth. And so we are destroying the raptor birds where.

It is being absorbed by all the creatures in the ocean. No one got very excited about DDT around the Midwest—in Michigan, Wisconsin, Illinois, and so forth—until we engaged in an experiment by introducing an exotic fish into Lake Michigan, the Coho salmon. Its growth was spectacular. It feeds on the alewife, which has become a serious trash fish in the lake and everyone was happy.

But suddenly, they had to take the Coho salmon off the market 2 years ago, because they found so much DDT in its fatty tissues. The lake and its flora and fauna are heavily loaded with DDT.

And the studies on the Coho salmon fry, show that their central nervous system is damaged as they absorb the yolk sac, and then they start swimming in circles and die very shortly.

It affects the enzyme production of the bald eagle, the osprey, and the peregrine falcon. It affects the fry of the Coho salmon. What is it doing to all the other animals and marine creatures? No one knows but you can be certain that innumerable creatures all over the globe will be adversely affected. Well, the case was unproven a few years ago. Now we have proved it. As I say, there is a much greater disaster coming, because we have not seen the end of the ramifications of the use of DDT. It has a half life of 10 years. I have not multiplied that out on the scale, but that means it will be around for 35 or 40 years after the last half gallon has been sprayed. So we do not know yet. But now we are launching on another crusade, to build an SST and it, too, has environmental implications that are unknown.

Senator PROXMIRE has made a most thoughtful and telling case against it from a budget and financial feasibility aspect. He has made a superb case. But he lost all those lonely battles until the environment got involved.

What are the environmental costs? Yes, it is true, as Mr. Noyes said, that it is unproved, but the implication of what is unproved is alarming; and there is some serious doubt, I think, that you could ever prove the case, without putting all of the SST's up there and then when you have got the proof it is too late.

I shall not go into all the arguments about what is so important about the SST anyway except to point out that I received a letter from an old law school classmate of mine, with a big law firm in New York, about a week ago. He said:

DEAR GAYLORD: When you pass that appropriation for the SST, and when you get those things up in the air, I will be able to ride that thing to London. I go there about three times a year on legal business.

He said:

I will be able to get to London in three hours and 15 minutes, which is less time than you can drive across New York City in peak traffic periods.

What kind of a priority is that?

I do not really care whether my old pal, who has to suffer the consequences of going to London three times a year on business for his corporate clients, is saved 3 hours each way or not. That does not matter very much. Who is going to ride it? Its only virtue is speed. That is all; it has no other virtue. And that virtue has already been compromised, because you cannot fly it over the land at supersonic speed. Everyone concedes that.

Why cannot you fly it over the land? Well, Mr. Secor D. Browne, an administration spokesman said:

You cannot fly it over the land because people vote and they would not tolerate the sonic boom.

Of course, the animals do not vote, so you can fly it over them. The assumption is that while people cannot stand the noise all other living creatures can stand it all right enough; and if they cannot, who cares? Of what importance are they, anyway?

Well, if it is intolerable to people, it is intolerable to other living creatures, too. But the sonic boom question cannot be settled. When you build a plane that big, put it in the air with that weight, and put it into supersonic flight, scientists cannot guess what the damage may be and years of study are unlikely to come up with the answers.

Well, what is the boom? It is between 2.5 and 3.5 pounds per square foot. That is what the boom is. And how much is that? Well, with that many pounds per square foot, you are pounding the earth—pounding every acre of the ocean—with 132,000 pounds of pressure.

One hundred and thirty-two thousand pounds of sonic boom per acre. Does that have no ecologic significance? We do not know. But I would think that any scientist would have to say, "Though the case is unproven, you had better start from the assumption that if you make that massive intrusion into the environment, it is likely to be disastrous, and those who want to do it had better prove that it won't be disastrous, not the other way around."

Will it change the migration of great flocks of the wide varieties of birds that fly all over the world, between the continents; that migrate from North to South and East to West, from island to island in the Pacific, from Canada to South America and from South America to Africa? What will happen? Will it change their flight patterns, throw them off course? Who knows?

Will they fly into an area where every 30 minutes, there is a sonic boom 50 miles wide at 132,000 pounds per acre? Does anybody know whether it will turn them around, whether they can stand that buffeting? In fact, they will get hit with a slug about their own weight. The Canadian goose would get hit with more than that because he is much bigger than a square foot. What will happen? Nobody knows. So let us go ahead and do it and find out. After all the argument that they may be seriously affected is unproven.

This says nothing about all the migratory mammals that travel all the way up and down our coasts, from Alaska and California—whales, mammals of all kinds. Nobody knows what effect it will have on them.

On top of it all, I have not even seen a word from anybody, even the scientists—not a word about the delicate life systems on the surface of the ocean. They are part of that great living body, that little area just along the surface, where tens of billions of little insects and other living creatures exist and breed and are used and eaten by other marine creatures. Will it affect them? Nobody knows. So, since the case is unproven, let us try it.

Well, it does not do any good to build these two prototypes, for they will prove nothing. They are not going to prove anything about the stratosphere. We already have all kinds of military planes that fly faster than this one. They can be put up in the stratosphere. We do not need to build a prototype to prove what will happen up there. I strongly doubt that very much can be proved up there, in any event. You can just go ahead and do it and find out whether you have created a world of disaster. Because what you are dealing with at 65,000 feet is the very fragile, very stable atmosphere, and we do not have a great deal of knowledge about it.

What about the effect on ozone, which is a part of the atmosphere? All living creatures, through the history of life on earth, have lived with that atmosphere, and the amount of radiation coming through. If that balance is upset, what would it mean? Nobody knows, but scientists are concerned. So we do not know about the stratosphere. I cannot find any scientists who will tell me just how we can test that without going ahead and putting SST's up there and then finding out whether or not it is too late.

Mr. President, I ask unanimous consent to yield to the Senator from Idaho with the understanding that I do not lose my right to the floor and that when I resume speaking, it will not be considered as a second speech.

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

Mr. CHURCH. I thank the distinguished Senator from Wisconsin.

Mr. President, I have consistently opposed appropriations for the SST. Last year, I voted against the appropriation when the issue first came to a vote in the Senate.

This week, I had occasion to make public a news release reaffirming my continuing opposition to the project and pledging my efforts to support the attempt now being made on the floor of the Senate to reject the reinstatement in conference of the money for the SST.

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

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

WASHINGTON.—Senator Frank Church said this week he will oppose the reinstatement of $210 million for development of an SST supersonic transport plane as proposed by a Conference Committee of the Senate and House of Representatives.

Church said he will join in an anticipated move to delete the SST funds from the budget of the Department of Transportation when the Conference Report comes before the Senate for approval.

Noting that the Senate last week voted to delete $290 million in SST funds when it originally considered the measure, Church expressed hope that the Senate would once again refuse to appropriate the money when the Conference Report comes up for final action.

"The SST," the Idaho Senator said, "has the potential of being an environmental disaster. We have got to draw the line somewhere against excessively costly projects which threaten to degrade still further our life-support system."

Church noted that the proposed plane could not fly over land areas at supersonic speeds without leaving sonic "booms" trailing in its wake, creating havoc with the population below.

"What's the point of spending billions of dollars to develop a supersonic plane which can only be flown over the oceans?" Church asked.

"It's time to change our spending habits. Ending the huge public subsidy for this extravagant, unneeded and potentially harmful aircraft is a good place to start," Church said.

Mr. NELSON. Continuing the discussion about the argument that the case is unproven I use the phrase because all kinds of people have been using it around here as a refutation of the repeatedly expressed environmental concerns. I want to cite a little of what has happened as a consequence of this country and other countries engaging in projects on which there are grave reservations, and proceeding anyway on the ground that the case is unproven and after all you can not stop "progress" whatever that means.

Let us take Lake Erie, one of the great lakes in the world. Fifty years ago, 40 years ago and 30 years ago, concerned marine biologists, conservationists, and environmentalists were saying that the accelerating introduction of acids, oils, and municipal wastes into the lake is going to destroy it. Now, this was said as long as a half century ago. What was the answer? "You cannot stop progress, and the lake is big enough to absorb these industrial wastes. Furthermore, the turnover of water in that lake is about once every 5 years, so we need not worry. All of you muddleheads, the little old ladies in tennis shoes, who are saying, 'You are on the way to destroying a great lake,' do not have a case. It is not proven. It would not happen." Well it did happen.

HEW did a little study in that lake 2 or 3 years ago. Two thousand five hundred square miles of the heart of Lake Erie had almost no oxygen in it. It is a vast, disgusting cesspool, created by the

hand of man, in the name of progress, under the argument that the case is unproven.

As the distinguished Senator from Michigan (Mr. HART), now the Presiding Officer in the chair, knows the environmentalists in both our States have been raising alarms about the southern tip of Lake Michigan and the pollution off its shores for several years now.

Oh, no, the polluters said. It cannot happen here. It is a great body of water. It can tolerate this pollution. Now everyone is alarmed because, of course, we know that it cannot tolerate this pollution. It is loaded with DDT on top of industrial wastes and municipal sewage. Unless it stops, that great lake will be destroyed, too. But we will have done it in the name of progress because the case was unproved.

Now we are in an argument about Lake Superior. I talked to Secretary Udall for 2 years about calling a conference on Lake Superior on the ground that we needed a Federal-State conference to stop the pollution of that lake which is just beginning. His last great act—of which there were many—in office was to call a conference.

What is the argument there? Well, we can go out and around the Apostle Islands which we have now made a national recreational area, and we can see rocks in that clear water down for 50 feet. The shores have sandy beaches just as fine as will be found in any of the Virgin Islands in the Carribean. It has rocky shorelines as beautiful as anything on this continent. That lake is the greatest body of fresh water in the world in terms of surface square miles. It is the third greatest body of fresh water in the world in terms of capacity.

Lake Bailkal is the largest body of fresh water on the face of the globe and the Russians are polluting that. It has 5,300 cubic miles of water.

Lake Tanganyika in Africa is the second greatest body of fresh water on earth with some 3,300 cubic miles of water.

Lake Superior is the third largest with 2,700 cubic miles of water.

Lake Superior is an incredibly delicate, pure lake. There is no large body of water anywhere on the earth as pure and as delicate as Lake Superior.

So the great State of Minnesota, in all its ignorance, issued a permit to Reserve Mining Co.

A permit for what?

Well, for dumping taconite waste into the lake. Oh, what a handy and cheap place to dump the taconite tailings in Silver Bay above Duluth. They got a permit to do it, with the cooperation of the Corps of Engineers. Okay. The same argument rose. They are polluting Lake Superior and the consequences will be dangerous and disastrous. Oh, no, there is no proof of pollution. Taconite tailings are not pollutants at all. There is nothing in them that pollutes. It is just a stable inert material and will sink down to the bottom of the lake off Silver Bay where it slopes lower and lower to 700 feet. Not a pollutant at all. And, of course, the little old ladies in tennis shoes and all the other alarmists in the conservation movement just do not know what they are talking about.

How much taconite tailings are they putting into the lake?

Sixty thousand tons—per day. I repeat, 60,000 tons—per day.

Throw the taconite tailings into the lake. That is the cheap way to do it. Never mind what happens to the lake 10, 50, or 100 years after the Reserve Mining has gone and the mines are empty and people are left living on the shores of a lake that our great technological society has destroyed.

Well, after a while, some scientists began to raise the alarm. But the case was unproved, of course. That is why they went ahead.

The case is now being proved. Various trace elements in the tailings were found and there is great concern that it may start a pollution blossoming in the lake.

Furthermore, how long can 60,000 tons be poured into that lake without dramatically altering the ecology at the bottom of the lake where the tailings settle?

In the last few days an alarming event has occurred involving the oceans. Not oil this time. But mercury in the great world-renowned tuna fish. The Food and Drug Administration is alarmed about it and so are the scientists. Where did it come from?

It comes from industries all around this country. It has poured into the watersheds and water courses and traveled into the oceans from all parts of our country and other countries as well.

Where did the mercury come from? Where did it go?

Just as with DDT I would guess that mercury spreads up the food chain. It is absorbed by the plankton and other tiny creatures. It is eaten by other creatures who are finally eaten by the tuna. There is that great fish which travels the gulf stream all the way up past Florida every year, all the way up to the North, absorbing mercury all the way.

No one knows what it means except it will be there Lord knows for how long, perhaps a century, a half a century, affecting the life cycle of how many creatures, no one knows. The scientists who have been concerned about the oceans have been saying for some time that we are seriously polluting the oceans. How in heaven's name could the oceans covering two-thirds of the surface of the earth become polluted, degraded, destroyed? Oh, the polluters say, the case is unproved.

All up and down the coast of America we see what they are doing. They are dumping solid waste materials in New York by the thousands of tons, municipal waste, oil, gas, mercury, everything. In every great city all of the way down to Miami they are all doing the same thing. They are pouring pollutants into the ocean at a dramatically accelerated pace. This is being done all the way down the west coast, too, and in the Gulf of Mexico and off the coast of every major city on earth.

What is the difference? It is an awfully big body of water. It can take the industrial waste, the municipal waste. It can take the pesticides and the mercury. It will all be dissipated, it is said, because the ocean is so big.

The marine biologists started raising these issues a quarter of a century ago, and some started raising it even before then.

What has happened? We are now well on our way to the final destruction of the productivity of the oceans of the world. There is not any doubt about that. The question is, How many years? That is the question, not whether it will happen, but when will it all be over. And it will all be over unless we reverse the trend of the deterioration of the ocean's environment.

It is not a big job to destroy the ocean. It looks as if it would be a big job, but it is not because the productivity of the ocean is in the marine estuaries and the first half dozen or dozen miles out on the Continental Shelf where most of the reproduction of the marine creatures occur.

In those great marine estuaries in the Everglades and down the coast and off the shorelines, that is all that has to be polluted to destroy the oceans. We do not have to pollute the ocean 100 or 500 miles out or 1,000 or 6,000 feet down. There is not any production of marine creatures to speak of there, anyway. We do not have to pollute the ocean there to destroy its productivity. It is just necessary to do it in that narrow band of shoreline off the coasts and on the Continental Shelf off the coasts. We are doing it very rapidly so that all the marine biologists that I know and with whom I have talked say, "Perhaps in 25 or 50 years it will be all over with the ocean." Think of it, 25 to 50 years.

Dr. Paul Ehrlich, of Stanford, one of the great environmentalists in this country, a great leader in the environmental movement, and a great man, wrote a little story on this matter in 1968 in Ramparts magazine. That is 2 years ago. He predicted the end of the ocean's productivity in a handful of years.

It was an alarming article. It so happened that I read it while I was in California to speak at a water conference in Santa Barbara. I read that piece while going in the plane from Santa Barbara University to Berkeley.

At any rate, I went to Berkeley for a conference on the environment. I asked a half a dozen scientists, "Have you read Dr. Ehrlich's article on the ocean?" They said they had.

I said, "Do you agree with it?"

They all said yes, except that they disagreed upon the date.

They all agreed the situation was alarming and that at the current rate of pollution the productivity of the oceans would be practically over in 25 to 50 years.

That is what we face.

The ocean is the greatest single resource on earth.

It is argued, of course, that no one is responsible for the oceans anyway. Ironically, the same argument is made by the Dutch, the British, the Germans, the Americans, and the Italians. The indus-

trialists in each place say, "Why should we stop the pollution? It costs money. It is all one ocean. If we do not pollute it, the others will."

It is like the SST. They say if we stop production it will not make any difference because someone else will fly it. If the Russians and the British and French are going to build their Concordes and their TU-144's and fly them in the stratosphere and pollute the earth with sonic booms, let us join them. If they are going to engage in destruction, we have to join in destruction, too.

What a great argument. If they do it, we join them. Since no country in the world has jurisdiction over the ocean, it is just the responsibility of mankind. No country has jurisdiction over the atmosphere or the stratosphere either.

We can control what happens off our shoreline for half a dozen miles. We can control the air over our country for some distance. But at least for a certain distance we can effectively control it. That is our political jurisdiction. No country in the world has jurisdiction over the environment worldwide, or even a small part of it. No country in the world has jurisdiction over the oceans worldwide, or even a significant part of it.

So, the jurisdiction is in mankind. If there is an issue here which is important—and there is—and which involves all mankind, it is that the environment is shared by all mankind. We all share a part of the same environment in the oceans and in the atmosphere. So, we share a responsibility.

We share a responsibility and a moral responsibility in addition to a very practical one, too. We share a moral responsibility to protect that environment.

If one of the two great super powers does not have the moral courage to lead then the whole thing is lost. I would not expect France and England to lead it, not that they do not lead great moral causes. But if we build it everybody has to build it; but if they build it, everybody does not have to build it.

If we have a moral responsibility for the environment worldwide, because we share it, we should exercise whatever authority we have in our jurisdiction to control that environment and protect it not only for Americans but for all human beings, and all other living creatures, too, who are just as important a part of the animal species as the human species.

Mr. President, you know we are the only ones who think we are more important than the other animals. It has occurred to me what might happen if we sent out a questionnaire to all animals on earth and put it in language they could understand, and we said to all other living creatures—they knowing as they do that we are the only species on earth that massively intrudes into the environment and destroys the habitat and environment for other living creatures—"Would you be upset if your fellow animal, the homo sapiens, were put on the endangered species list, like the whooping crane, which is soon to disappear, would that upset you other members of the animal kingdom?"

I think we would get back a unanimous response, "No, we would not shed a tear," except from the dog. He would be on our side. He is the animal kingdom's Uncle Tom.

We are the only creature that intrudes into the environment, degrades it, and destroys it for other creatures. We have a responsibility to protect the environment and we are risking great danger if we go ahead and deploy the SST.

The argument that we can go ahead and build two and test them and find something out is refuted, in any event, by the President's own scientific committee. What good are two prototypes? The only purpose to build the two is to build 500 and if they build two, do not forget the race is on because if we build it the French and the British will feel they have to build it and subsidize it, if necessary, and the same is true of the Russians; but if we do not build it and tell them that they cannot land it here in this country the ball game is over. It is not really very important to spend money to find a quicker way to send about one-tenth of one-hundredth of 1 percent of the population, or whatever it is, to Europe.

Well, do we have to build it? It strikes me as very strange that when the President asked Dr. DuBridge, his scientific adviser, to set up a scientific committee to study the question, and he did, and Dr. Garwin, the distinguished physicist headed the committee, I wonder—I just wonder—why no proponent from the President to Mr. Magruder, to any Member of Congress has brought that scientific report to the floor of the Senate and told us what is in it. Is that not strange? The scientific report was against the SST, that is why. When the White House saw it they refused to release it. That is all there is to it. They have a report in their hands that destroys their case. So they do not release it. Why can we not see it? Well, as I have said, we cannot see it because it is negative; it destroys their case. Why do we know that? First, as practical people we know that this administration, or any administration, or any person who is making a case in court or out of court, or any other place, if he has commissioned a study and it comes down on his side, he discloses it, and if it comes down on the other side, he will not disclose the result if he can avoid it.

Dr. Garwin testified in the House and the Senate. He headed the scientific committee and came out against the SST and said the program should be terminated now. He said very carefully, "I come on my own. I do not speak for the administration. I speak for no one but myself. I cannot tell you what I said to the administration. That is executive privilege. I am not permitted to do so, but I do come here and speak on my own."

The President's own science committee, selected by Dr. DuBridge, has come out against the supersonic transport and that is why it is not made public.

I will be asking every day to see that report. I think the American public is entitled to have it. We are dealing with a situation which involves the dollars of American taxpayers. It involves a matter of worldwide concern. It involves an appropriation by Congress. Where is the scientific report? Why can we not see it?

I would think that the proponents would go over to the White House and say, "Gentlemen, give us that report that sustains our case and destroys the opposition." Why are they not there doing that? They are not there because the report does not sustain their case. It supports the opposition to the SST and destroys their case. That is why, Mr. President, you will never see it on the floor of the Senate. It does not take 6 days to get it here from the White House. Maybe we can ask that question again tomorrow, and tomorrow, and tomorrow. But we will not see it because it destroys their case.

What did Dr. Garwin say? I am going to read all of this tomorrow, and I will read from it today. I am reading from the hearings. The opening day was August 27, 1970, and I am reading from page 1648.

I read from page 1648:

Senator ALLOTT—

This is the question asked of Dr. Garwin, who headed the study for the administration—that invisible study that we cannot see—

Senator ALLOTT. May I ask you one question before you go on?

Since you had all this participation, did you advise on this contract when it was made?

Mr. GARWIN. I was not involved in the SST program at the time the contract was let, January 1, 1967. I cannot speak to what I have advised other people about the supersonic transport.

Senator CASE. Do you mean you can't speak as to what you advised the Government because of executive privilege claimed by the other party?

Mr. GARWIN. That is right. Dr. DuBridge has indicated that I was chairman of a review committee on the supersonic transport reporting to him.

I cannot reveal any more information about that performance or that advice.

Senator CASE. You can tell us anything you want, but you can't say what you said to him, is that right?

Mr. GARWIN. Exactly, Senator. Thank you very much. At least, that is my view of it.

A very, very interesting dialog. "Dr. DuBridge, you tell us. Do not tell the public. Do not tell the Congress. Do not tell the world what you are telling us."

Why would he do that? Because Dr. Garwin's committee destroyed their case. That is why. No other reason. Dr. Garwin is in here recommending against the SST. He said, "I cannot tell you what I told them, but I will tell you what I think."

Well, what does he think? Let us take this question. We have been told that we must build the SST for a number of reasons. One of them is that we must build that prototype in order to test, to find answers to environmental questions like noise and pollution. Well, let us see what Dr. Garwin says about that:

Senator PASTORE—

Mr. PASTORE. Here I am.

Mr. NELSON. I want to quote the Senator. Is that permissible?

Mr. PASTORE. Oh, absolutely.

Mr. NELSON. I thank the Senator.

I am afraid if we go into detail

around here we are going to get confused. I like to have it said in simple English:

What you are actually saying here now, and I want to get this on the record, is we can resolve these problems that have come to the fore with reference to the SST, with reference to the pollution of the ecology; we can resolve these problems even before we build the prototype.

That was absolutely the correct question to ask. It got to the heart of the matter. Mr. Garwin responded as follows:

Mr. GARWIN. Yes. I say we can resolve the questions without building the prototype, and I go further and say building the prototype does not help significantly to resolving the questions; yes.

Senator PASTORE. And it is your recommendation that we suspend going forward with the prototype at this time and devote ourselves to the research as to the noise and the ecology?

Mr. GARWIN. My recommendation is that we terminate the program and not suspend it. To suspend might involve all kinds of continuing costs.

Those are the words of the head of the President's committee that did the scientific study—the scientific study that none of us have ever seen. I want to quote now from another part of Mr. Garwin's testimony, on page 1650:

Will the flight test of the prototype answer the environmental questions? No. It is not the prototype construction or flight test which answers the environmental questions.

It is the research program, completely independent of the prototype. The research program, $27 million total, versus more than half a billion dollars more for the prototype.

When Mr. Magruder says the prototype is an excellent opportunity to acquire experimental data of broad environmental and meteorological value, he is talking about more than the 7-hour flight test at maximum speed.

This could better be said of operating the SR–71 which flies now at nominal cost, at higher speeds and higher altitudes, or of balloon flights, or other ways of exploring the atmosphere.

But the prototype operation will not, so far as it is envisioned now and funded, expected to be funded, by the Congress, answer the environmental questions.

Mr. President, I think the testimony of Dr. Richard Garwin, which starts on page 1623, should be put in the RECORD in full, because I can tell from the mail I get that people around the country do not know that the President's scientific committee came out against it. I get letters from people saying, "What kind of a nut are you? You do not know anything about engineering flight. You are trying to stop progress. Your environmental questions do not amount to anything. You cannot solve them until you get the supersonic transport."

They do not know that the head of the scientific committee for the President is on our side. So I think we ought to put it in the RECORD so that everybody can have a careful look at what Dr. Garwin said.

I would suspect that out of 535 Members of Congress not 10 percent have read Dr. Garwin's testimony. That would mean hardly anybody outside the Congress has read it, except a few people who are interested scientifically.

Let us see what Dr. Garwin had to say, and then we will get, tomorrow, to the questions and answers of Dr. Garwin upon all these issues.

This is a statement by Dr. Richard L. Garwin, who was selected by Dr. DuBridge to head up this scientific study. Here he is testifying himself against the SST, so I think we may be pretty sure what he told the White House:

Gentlemen: I am very pleased to have been invited to testify regarding the $290 million request for development of the supersonic transport (SST). Support for my present statement can be found in my previous testimonies this spring, to Subcommittees of the House Appropriations Committee and of the Joint Economic Committee, and will not be repeated here. However, I shall include information which has come to light as a consequence of those hearings. Of course, I speak for myself and not for any group or organization.

Before I continue to read from this statement, I wish to point out that I have been reading speeches into the RECORD, and listening to speeches here by distinguished Members of this body and the other body attacking the critics of the SST on a whole spectrum of grounds but I have not heard any of them discuss what Dr. Garwin said.

So, continuing with Dr. Garwin's testimony:

WHAT THE PROTOTYPE WILL NOT SETTLE

The $290 million budget item relates to further work on a contract between the Department of Transportation and the Boeing and General Electric Companies on the development and manufacture of two prototype supersonic transports and their testing for a total of 100 hours of flight test, of which some 7 hours might be at maximum speed of Mach 2.7. Probably only one of the aircraft will actually be flown. There is some confusion about the purpose of the prototypes.

Listen to that sentence from the Chairman of the science committee appointed by Dr. DuBridge to evaluate the SST:

There is some confusion about the purpose of the prototypes.

I continue:

These prototypes do not have the purpose of exploring the Mach 2.7 flight regime and the altitude regime of 60 to 70,000 feet—this is already far better explored by the years of experience with an operational fleet of SR–71 reconnaissance aircraft which fly at Mach 3+ at this altitude and higher. The SST prototypes do not fill the function of determining passenger response to the provisions of SST travel, since in the planned flight-test period, they will make only two or three oceanic crossings, if any, and without passengers. The SST prototypes are *manufacturing* prototypes, which serve only to confirm the designs of the Boeing and the General Electric Company. There are few pleasant surprises in testing of this type of prototype—there are many unpleasant surprises. The knowledge of manufacturing cost of the prototypes will be of little value in determining production cost on the actual SST, since that is likely to be manufactured by different processes. Nor will the prototype serve to alleviate any environmental concerns, since the production of sulfur-bearing particulate matter, the influence of water vapor in the stratosphere, etc., can never be determined by a brief flight test of one or two aircraft, but must be investigated by real research not involving high-speed aircraft. Further, the sonic boom on the ground beneath the aircraft which is predicted by Boeing to exceed 2.5 pounds per square foot during cruise and 3.5 pounds per square foot during acceleration, and which will be felt along a swath more than 50 miles wide below the aircraft track, has no chance in the production aircraft of being weaker than the predicated figures. Finally, the airport noise, which is such a tremendous problem with the SST, can be perfectly well determined without a prototype aircraft in hand, since it is a function of the engine design and of the aircraft characteristics which are determined by the design and not by the building of the aircraft.

The next paragraph, on page 1624, is headed "Terminate the Program Now:"

Enough information is available right now for the Senate to cancel the SST.

This is the chairman of the President's science committee that studied the question. Let me repeat that:

Enough information is available right now for the Senate to cancel the SST. The testing of the prototypes may provide additional negative information—it will not provide any more encouragement to the program. It is fundamental that if a program is to be terminated, it should be terminated as soon as possible. The information now in hand justifies terminating this program.

Doubts as to the availability of private financing, and Government-condoned delay on the submission of the financing plan.

On what do I base this judgment? First, one of the stated aims of the federal involvement in the prototype development is to have a program which will move to private financing for the two following stages of certification of prototype and preproduction efforts, as well as the production until delivery of the first aircraft. Some billions of dollars will be required in financing for these purposes. The government contract with Boeing of January 1, 1967, required as one of the tasks the submission by Boeing of a plan for financing the post-prototype phases. The due date for that plan was June 1968. The government has allowed the submission date of that plan to slip to December 1969 and has more recently delayed the due date to June 1972.

That is a 4-year extension, as I calculate it.

I believe that plan will show that there is no possibility of completely private financing of the post-prototype phases. Although invited to testify before Congress, Boeing has declined, allowing the Department of Transportation to speak for it. It is my firm belief that Boeing, if asked, would express the same skepticism about the feasibility of private financing that Boeing's Mr. H. W. Withington has expressed in interview reported in the public press. Not only is the discounted expected return on investment after taxes low compared with that which investors require, but even in the event of a successful prototype program, the technical risk would be far greater than that associated with, say, the 747, because of the possibility of very costly grounding of production SST aircraft after introduction into service. In fact, in regard to the availability to Congress of the actual Boeing views on private financing for the successive phases, an interchange between Representative Conte and the Acting Director of SST Development which took place on April 14, 1970, may be of some interest.

Mr. CONTE. "You state there is, in Phase III contracts, the requirement for submission to FAA of the financing plan by the contractors for future phases. So the record is clear, is this an absolute requirement with no exceptions?"

Mr. VIERLING. "The contractual provisions for submission of a financing plan by the contractors places specific rather than contingent requirements in this regard. The financing plan must be submitted to us under the contract."

I have already noted that the submission of the financing plan has been directed by the Department of Transportation to be delayed until a time when it would be of no use to the Administration or the Congress in connection with the fiscal year 1971 or the fiscal year 1972 decisions.

Further, in regard to the argument that the government will get back its money invested in the prototype, plus a billion dollars extra, the expected return (only in case of success and only in case the program moves without any further expenditure by the government to completely private financing) is 4.3%. It is far more likely that the program will terminate before that time, in which case the government will lose all of its expenditure, or if the program does not terminate that the government will have to make further investments. In this connection, another interchange of Apri 14, 1970, between Congressman Yates and the Under Secretary of Transportation is of interest.

Mr. YATES. "It is a $2 billion investment. Suppose you cannot get private financing, what will you do?"

Mr. BEGGS. "In the first place let me make my position absolutely clear. I think if you demonstrate a successful prototype, every indication we have had from the financial community and the airlines is that we would be able to get private financing for the airplane. But if it were still a successful airplane and for one reason or another you could not get private financing and I felt it was a good deal in order to get the government's bait back, I would come up here and ask for money to get the production going."

But how about a return on the government's money which the Under Secretary would then invest in order to retrieve the "bait"? Is the taxpayer being asked to put up the fish as well as the bait? The result would be, of course, for the taxpayer to assume the risk which the private investor eschews, and to accept a very low rate of return on his investment in order that the private investor should be able to realize a greater return.

The Contract Does Not, in Fact, Protect the Interest of the Government

Noise: The SST prototype development contract was represented to the Congress (like all contracts) as a model instrument. We have seen how the absolute requirement for submission of a financing plan has been bypassed. In regard to the contract we have also the testimony by the Under Secretary of Transportation on April 14, 1970, that "The SST contracts were the first to be awarded by the government to include aircraft noise requirements." In actual fact, the contract requirements are shown in the first column of Table I.

Mr. President, I ask unanimous consent that the table on page 1627 be printed in the RECORD at this stage of Mr. Garwin's testimony.

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

TABLE I.—CHANGE WITH TIME OF PERFORMANCE REQUIREMENTS

Characteristics	Jan. 1, 1967 [1]	Apr. 14, 1970 [2]
Takeoff field length (feet)	6,800+700	10,500
Liftoff speed (knots)	162	197
Approach speed (knots)	135	153
Landing field length (feet)	6,200+600	8,250
Sideline noise (PNdB)	116	124
Takeoff noise (PNdB)	93	108
Approach noise (PNdB)	109	108

[1] FAA contract with the Boeing Company, Contract Number FA-SS-67-3 (Jan. 1, 1967), p. A-6, "Minimum Production Airplane Performance Objectives."

[2] DOT testimony to Transportation Subcommittee of House Appropriations Committee, Apr. 14, 1970.

Mr. NELSON. Mr. President, continuing with Mr. Garwin's testimony:

The noise under the takeoff flight path you will note has been specified as 93 PNdB. The Department of Transportation in its testimony on April 14, 1970, sees no inconsistency in taking credit for specifying noise requirements and at the same time stating that the takeoff noise will be 108 PNdB rather than 93 PNdB. This is no minor difference. It would take thirty 93 PNdB aircraft all flying together to produce the 108 PNdB takeoff noise expected from the SST. Further, for purposes of noise exposure forecast and compatible land use, the FAA and Department of Transportation, together with airport operators of the world, use a formula which indicates that thirty separate takeoffs of individual 93 PNdB aircraft spread out over the day would produce the same total annoyance as a single 108 PNdB takeoff. I discuss this question of takeoff noise, not because the SST is so much louder than current aircraft, but to show how meaningless is any provision of the contract, since the contract specifically states that any provision may be waived by the contracting officer, and experience shows that such waivers do occur.

Indeed, Modification 15 of the contract required that the contractor by January 15, 1969, submit a design which would meet the original contract requirements of January 1, 1967. You will remember that the original swing-wing design ran into trouble and the contractor gambled that he could meet the aircraft specifications with an alternative design. Contract Modification 34 of July 23, 1969, represented the judgment of the FAA that the Boeing Company had indeed met the original specifications, but Modification 34 no longer contained "minimum production airplane performance objectives" but simply numerically similar "specific prototype airplane requirements." A comparison of the two columns of Table I indicate that the new design by no means met the original production airplane performance objectives, and I maintain that the contract could have been and should have been canceled in early 1969 for default at no cost to the government.

Under the circumstances foreseen by the Department of Transportation, the sales price of the eventual SST is likely to be 20% higher (not considering inflation) and the number sold only ⅔ as many as claimed

My comments on the contract indicate that it is certainly no guarantee of performance. Nor are the analyses submitted by the Department of Transportation to be taken literally. For instance, the Department of Transportation assumes that the Boeing sales price for a successful SST will be some $40 million (inflated to an estimated $52 million by 1978). As confirmed by the Report of the Panel on "Balance of Payments and International Relations" of the Ad Hoc Interagency Committee appointed February 1969 by President Nixon to review the supersonic transport program, every indication is that Boeing could and would maximize its profits by charging more for the aircraft than the DoT-estimated $40 million. In that Report, representatives from the Departments of the Treasury, Commerce, and State said "In fact, Boeing could maximize its profits if it charged about $48 million. Such a price would reduce sales of planes to something under 350. This would in turn reduce government royalties to the point that the government barely got its money back." There is no reason to doubt that Boeing, as a responsible corporation with obligations to its stockholders, etc., would indeed charge a price which maximized its profits, and which would then come out to be some $48 million (1967 dollars), which would be some $58 million in 1978.

SONIC BOOM

The Department of Transportation states that some 500 SST's would be sold if their supersonic flight were restricted to overwater routes and over land north of the Arctic Circle. If the aircraft could fly supersonically across the United States, then the expectation would be to sell some 1200 aircraft. In the face of all that is known, of 1964 tests by the FAA in Oklahoma City which showed that far weaker sonic booms are unacceptable to people, in the face a report commissioned by the FAA of the "SST Technical Evaluation Committee" chaired by Dr. R. L. Bisplinghoff, a great supporter of the SST indicating "that under no circumstances could it ever be operated over populated land areas," and in the face of the completely unambiguous results on the strength of sonic boom as calculated by the Boeing Company, the FAA in its Notice of Proposed Rule Making indicates that a restriction of SST's from flying supersonically over US territory is based on the continued profitability of SST's thus restricted, thereby leaving the distinct impression that SST's will indeed fly supersonic over US territory if they cannot be profitable otherwise. Now perhaps the FAA and the Department of Transportation do know in their hearts that SST's will never fly supersonically over US territory, but the Secretary of Transportation has testified that he hopes and believes that the SST by the time it enters service will indeed fly supersonically transcontinentally over the US, and I believe that his support and the support of a great many other people for this program are based on this misconception, which the DoT and the FAA have done little to dispel. By Departmental press release, they have even fostered it.

AIRPORT NOISE

In 1969 the United States took a giant step toward protection of the people and of the environment by being the first nation in the world to require all new types of subsonic aircraft to meet a certification requirement to produce less noise than a stated value at three measuring points as follows:

Takeoff Noise 3.5 nautical miles from break release directly under the flight path, 108 PNdB.

Approach Noise 1.0 nautical mile before runway threshold directly under the flight path. 108 PNdB.

Sideline Noise 0.35 nautical mile to the side of the runway at the noisiest point, 108 PNdB.

These limits are the maximum allowable for any new subsonic aircraft, no matter how heavy. The FAA has promised that the limits will be lowered as rapidly as technology allows and that requirements will be instituted for retrofit of existing aircraft with quieter engines. It should be emphasized that the noise levels projected for the SST in Table I, Column 2, by the Department of Transportation are for the aircraft with "production technology." Production technology is the result of the development program of the prototypes and of some further development of the actual production aircraft. Early production aircraft may in fact be noisier than these values. The SST excels in the production of sideline noise. I have estimated its sideline noise at 125 PNdB (the Department of Transportation has variously estimated at 124 and 129 PNdB). At 125 PNdB, the SST produces as much sideline noise as the simultaneous takeoff of 50 of the noisiest subsonic jets allowed under the FAA rules. It produces more sideline noise than one hundred 747's taking off simultaneously. The Department of Transportation has testified that the noise produced on takeoff by a 707 at 2000 feet to the side of the runway is equalled by that of the SST at more than 1 mile to the side of the runway. I further note that for airports whose operations are restricted by the community annoyance produced by sideline

noise, the formula used by the Department of Transportation, the FAA, and the airport operators to judge community annoyance indicates that for every SST which takes off with the production of 125 PNdB of sideline noise, fifty individual takeoffs of the noisiest, heaviest allowable subsonic jets would have to be eliminated if the community response to sideline noise were not to be increased.

Now, the Supersonic Transport Development Office of the Department of Transportation shrinks from making precisely these comparisons, but even their experts have not attacked their validity. It should be noted that the FAA subsonic noise requirements were to be followed, according to the Director of the FAA in October 1969, "possibly by the end of calendar year 1969," by similar rules restricting airport noise from supersonic-capable aircraft. These rules have never been issued and are now expected in January 1971. However, in the FAA subsonic rule, promulgated pursuant to PL90–411, the FAA emphatically states that local airport operating authorities have the power to decide whether or not a particular aircraft may be allowed to land, in view of the community response to the noise. Indeed those businessmen closest to the noise problem, the Airport Operators Council International, on July 24, 1970, sent to the Honorable John Stennis, the Chairman of this Subcommittee, a letter stating

"We therefore respectfully urge the Senate to approve the expenditure of public funds for further development of the SST only if the Congress and the country can be assured beyond doubt that the SST will meet the stringent noise standards necessary to permit it to operate at existing airports.

"It has taken all the energies and resources of the world airport operators to provide adequate airports for existing aircraft . . . Under these circumstances it is completely unrealistic to believe that the public would permit or tolerate the introduction of an SST which requires new and larger airports. On the contrary, we think the public will demand that any new aircraft represent a meaningful improvement in the noise level for community acceptance.

"We see no reason why an aircraft should be given special exemption from the federal maximum noise regulations no matter how great a technological advance it may represent."

The AOCI then asks that the key question of noise be settled *before* any further expenditure is authorized.

This is precisely my own position, which I have expressed in previous testimony.

The AOCI makes clear in a very forceful statement that the continued operation of subsonic aircraft, and the continued profitability of our entire airplane and airline industry depends on improving the noise environment about airports. Not only does the high expected sideline noise level of the SST jeopardize the obtaining of private financing for the SST development and production and imperil the SST purchases by airlines, but it also threatens the continued existence of the air travel industry in the United States.

It should be noted that it is technically feasible to quiet the engines, but the loss of thrust from those engines will then require either the fitting of larger engines to the aircraft (at a substantial sacrifice in payload capacity and supersonic cruise efficiency) or will require a much longer takeoff field length, to the extent that the aircraft will barely be able to operate from only two airports in the United States. Even at this level of noise suppression, the aircraft would not satisfy the subsonic rule for sideline noise.

The supersonic transport will have far less margin for air traffic control delay than does a subsonic aircraft. In fact, the testimony of the Secretary of Transportation on April 22, 1970, in support of high speed ground transportation notes that "Air traffic forecasts indicate that the principal air terminals . . . will soon become so badly congested that it will be both desirable and perhaps essential to divert air travelers to high quality rail service." In fact, the FAA has been quoted as stating that the supersonic transport will have to have a permanent priority on landing over subsonic aircraft. I hope that the Department of Transportation's assumption of such unbearable congestion will not come true, but I doubt that domestic travelers in the United States want to give invariably priority on landing to supersonic transports which are used only in international travel.

We should note, however, that the congestion in air traffic control is not en-route congestion but is terminal congestion, associated with the final approach pattern, the actual landing, and the taxiing on the airfield. To move a given number of passengers by 298-seat aircraft requires more aircraft movements than do 440- or 500-seat aircraft. Thus, no matter what its speed or other characteristics, the greater sensitivity of the SST to holding at low altitude and its smaller size than the 747 make it a contributor to the air traffic control problem.

PRODUCTIVITY OF THE SST

The Department of Transportation has made much of the fact that the SST is a "more productive aircraft" than the 747, in that a single SST (if all goes well) can generate some 70% more seat-miles per day than can a 747, under what I believe are fairly optimistic assumptions on the utilization of SST's. The Department of Transportation nowhere notes that this comparison is on a *per aircraft* basis and that it does not take into account the fact that the investment cost of the SST is more than twice that of the 747 and that its operating cost per seat mile is also higher. Thus, an airline or nation wishing to provide a million seat miles per year makes a smaller investment if it buys 747's instead of SST's. And after it makes that smaller investment, it can provide those seat miles at lower cost with the 747 than with the SST because of the 747's lower fuel consumption, higher capacity as well as because of smaller carrying charges on the original investment.

THE AIR TRAVEL MARKET

My understanding of airline views on the SST is that a fare differential will be necessary and that with a fare differential the SST will be a business traveler's aircraft. However, across the North Atlantic, the business travelers comprise less than 25% of the total, and the SST market to handle some fraction of these will in fact be rather small. Further, the business traveler is becoming a smaller fraction of the market as tourism grows.

THE MAGNITUDE OF THE SST BUDGET REQUEST

The $290 million requested this year compares with $45 million this year for all research and development in the FAA, or with $40 million for highway and traffic safety.

In support of this program, its proponents have argued that the production program would help the U.S. balance of payments, provide support for the U.S. labor force, and provide a top-of-the-line aircraft which will induce foreign airlines to buy all U.S. aircraft.

A study for the FAA by the Institute for Defense Analyses indicated that the SST would hurt the balance of payments. Three economists consulted by the FAA to refute this position noted (presumably to the embarrassment of the FAA).

Dr. COLM. "I doubt that the SST program should be regarded as the best way to cure current and foreseeable balance-of-payment difficulties."

"Dr. Kindleberger concluded that the IDA report generally gave a good answer to the balance-of-payments question, but expressed the belief that the Government should not decide major issues of resource allocation on the balance-of-payments grounds."

Dr. Lederer concluded that a successful SST "would be beneficial to the balance-of-payments only if work on the SST did not impair the United competitive position in the market for subsonic planes." More recently the Under Secretary of the Treasury for Monetary Affairs in a letter of May 1, 1970, to Senator Proxmire indicated:

"We have no reason to alter our view that potentially adverse impact on our travel account from development of a U.S. SST could equal or outweigh the positive impact on the aircraft sales account."

Similarly, on May 7, the Under Secretary of State for political Affairs wrote:

"We do not, however, see any reason so far to object to the views expressed by the working panel of the Ad Hoc Committee on Balance of Payments and International Relations."

You will remember that this Committee of the President's Ad Hoc SST Review Committee of February 1969 found that the overall impact of the SST would be adverse.

So far as the labor aspects are concerned, a current view of April 30, 1970, from the Assistant Secretary for Manpower of the U.S. Department of Labor states that "the net employment increase from the SST would be negligible."

Finally, with respect to generating confidence in the United States's ability to provide aircraft, parts, and service at reasonable cost to meet real needs, the SST could very well impair that confidence. In fact, the real needs of today are for productive vertical takeoff and landing aircraft and short takeoff and landing aircraft rather than for the SST. The claim that the SST is the only large advanced civil aeronautical program supported by the government in the United States is unfortunately true, but that is because all the available money is being spent on the SST rather than on the development of needed, productive, and useful aircraft which would have an assured large market abroad as well as in this country, without adverse reflection on the balance of payments.

ENVIRONMENTAL ASPECTS OF THE SST

Beyond the directly attributable effects of the SST on the airport noise environment and the effect of the sonic boom, serious questions have been raised about pollution of the stratosphere with water vapor and particulate matter. After strong early statements by the Department of Transportation that no problems existed, a "$27 million research program" has been put together by the Director of Supersonic Transport Development to investigate these possibilities. I believe that the economic prospects for the SST are sufficiently dismal that the environmental problems need not be taken into account in deciding to cancel the program. If on the other hand, the program should proceed, then these questions should receive very serious and urgent attention.

RECOMMENDATIONS

I recommend:

1. That noise certification criteria immediately be established for SST aircraft which are the same as those standards of FAR–36, under Public Law 90–411, applying to subsonic aircraft of equivalent gross weight.

2. The immediate termination of the US government's direct or indirect support of the SST program. When the conditions are ripe for a commercial program which can be accommodated without severe environmental penalties, US industry and finance will arise to the occasion. Government support before

that time seems to result in great pressure to continue an uneconomic program, in warping of the environmental protection regulations, and may well lead to an increase in all air fares if the airlines and passengers are expected to bear some or part of the cost of procurement or operation of the SST.

3. Attention be given to the possible benefits and penalties associated with continued support of the mechanism by which the International Air Transport Association (IATA) establishes fares. If lower fares or price competition could be introduced in international travel, the traveler would benefit, more aircraft would be sold, and the more efficient airlines and manufacturers could then produce economic benefits for themselves, the consumer, and the economy.

4. That *if* money is provided for the SST program this year, the legislation contain a continuing requirement that transport aircraft capable of supersonic flight be subject to the same noise certification criteria as have been established for subsonic aircraft of equivalent gross weight. Further, that the legislation forbid all supersonic flight by transport aircraft which can possibly result in a sonic boom on US territory.

Mr. President, tomorrow I want to complete the discussion because Dr. Garwin appeared before the committee chaired by the distinguished Senator from Nevada (Mr. BIBLE) and he and his committee did an excellent job of questioning Dr. Garwin.

I think the information elicited from Dr. Garwin in the course of his questioning by Senators BIBLE, CASE, and PASTORE is helpful in understanding what the issues are and in getting the views and the judgment of the administration's own appointed scientific expert who comes out against supersonic transport without any reservations whatsoever.

I repeat, tomorrow I will read that testimony and make another inquiry as to whether the White House is going to give to the public and the Senate and the Congress the whole of the report from the scientists. We know what the chairman said. I think I know that the scientific community agreed with him. That is why they refuse to release it.

SUPERSONIC TRANSPORT NOISE

Mr. GOLDWATER. Mr. President, there has been much talk about the supersonic transport noise in the community and around the airport. Many allegations have been made about how bad the SST will be—such as an "infernal racket four times greater than that of the 707 or 747," and "the sideline noise generated by the SST is estimated to be anywhere from 4 to 50 times as annoying as that of present jets."

All of this talk is based upon a theoretical unit of sound called a decibel. Frankly, I do not know very much about a decibel, and I am sure that most Senators are equally unfamiliar with it. For example, if we want to get technical about it and look up the meaning in the Dictionary of Technical Terms for Aerospace Use, we find a decibel described as:

1. A dimensionless measure of the ratio of two powers, equal to 10 times the logarithm to the base 10 of the ratio of two powers P_1/P_2.

2. One-tenth of a bel.

The power P_2 may be some reference power; in electricity, the reference power is sometimes taken as one milliwatt (abbr dbm); in acoustics, the decibel is often taken as twenty times the common logarithm of the sound pressure ratio, with the reference pressure as 0.0002 dyne per square centimeter.

But I do know what airplane noise sounds like because I have been flying airplanes most of my life.

I asked the National Aeronautics and Space Council to arrange for a demonstration of the production U.S. SST noise as compared with the current jet transports so that I could hear what they really sound like. This is what I heard:

The SST is a heck of a lot quieter in the community. For one thing, one does not hear that high-pitched compressor whine. The engineers say this is a 12 db reduction, and it surely is an improvement.

I also heard a four db increase in sideline noise over today's jets, and I could not detect the difference. Furthermore, this sideline noise is pretty well contained in the airport as some large-scale charts of JFK clearly illustrated.

The point is that there will be a big reduction in community noise. As a matter of fact, the Airport Operators Council International has heard the same demonstration and was sufficiently impressed to write a letter of endorsement of the SST program to the President. In this letter they state:

We see the SST program as a *unique opportunity* to *reduce* community noise, air pollution, and congestion while improving air transportation service through an orderly well-planned program involving international coordination between airport and airline operators, manufacturers and governments.

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

With due respect to Alexander Graham Bell and the decibel, I am convinced that from a noise standpoint, the SST can be and will be a much better neighbor for the community than today's jets. If any Senator is in doubt about this, I would be delighted to arrange a demonstration so that he can hear it himself.

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

AIRPORT OPERATORS COUNCIL INTERNATIONAL, INC.,
December 7, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The General Board of Directors of the Airport Operators Council International (AOCI) is shocked by the recent action of the Senate in declining further funding for the supersonic transport (SST) development program.

In light of the approval by the Senate of subsection (i) of S. 4547 on Wednesday, December 2, 1970, AOCI fully supported the continuation of the development of the SST prototype. We urge the pending House/Senate conference to fully restore the level of funding needed for the successful completion of the U.S. civil supersonic transport.

For a variety of reasons, AOCI feels that it is of utmost importance that the United States maintain its leadership in world aviation and satisfy its obligation of socio-economic balance to the people of our country. There are literally thousands of jobs at stake, not to mention the enormous costs involved if cancellation of the SST is upheld due to lack of funds. The overall defense posture of the United States, by virtue of the loss of skills, equipment and further development of technology through peace time activities, is also in jeopardy.

We have been looking forward to a well-planned and orderly program for the next generation of commercial aviation. We now find to our amazement that the Senate has proposed to abandon the program, a few years short of flight-testing, after twelve years of development and $700 million invested.

In reviewing the record, 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.

In the specific area of environmental quality, these critics claim the SST will contribute to the problems of community noise, air pollution, and congestion. These problems we have today that can be minimized in the future with proper planning and coordination. We see the SST program as a *unique opportunity* to *reduce* community noise, air pollution, and congestion while improving air transportation service through an orderly well-planned program involving international coordination between airport and airline operators, manufacturers and governments.

It is difficult to believe that the Congress of the United States would be responsible for cancelling this international cooperative effort based upon the unsubstantiated allegations of ill-advised critics.

Respectfully yours,

HOMER B. ANDERSON,
President.

MERCURY IN TUNA

Mr. NELSON. Mr. President, distinguished marine biologists have been warning the world that all the sea's productive life will be destroyed in a half century or less at the present accelerating rate of pollution. The finding of mercury in deep sea tuna is an alarming indication of how serious the ocean damage already is. It poses another grave threat to a fragile marine environment already assaulted with oil spills and with pesticides, sewage and other wastes from contaminated watersheds inland as well as by offshore dumping.

Never has there been a greater need for this country to take a new kind of international leadership and declare a national commitment to protect the oceans. Last February, I introduced comprehensive legislation calling for such action and will introduce the same measure—S. 3484, the Marine Environment and Pollution Control Act—early next Congress. In September, the President endorsed such a policy. Now, hopefully the next Congress will put protection of the sea at the top of its agenda. And I urge that the United Nations put this global concern at the top of the list for action at the U.N. Conference on the Human Environment in Stockholm in 1972.

Mr. President, I ask unanimous consent that two articles in this morning's New York Times reporting the latest mercury finding and its implications be put in the CONGRESSIONAL RECORD at this point.

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

MERCURY IN TUNA BRINGS A RECALL

(By Richard D. Lyons)

WASHINGTON, Dec. 15.—The Food and Drug Administration announced today that, as a precautionary measure, a minimum of almost one million cans of tuna fish contaminated by mercury were being withdrawn from the market. The agency insisted, however, that the product was still safe to eat.

Dr. Charles C. Edwards Jr., Commissioner of Food and Drugs, estimated that, on the basis of samplings, 23 per cent of the 900 million cans of tuna fish packed in the United States this year contained amounts of mercury that the Federal agency considered excessive.

Even the approximate amount of contaminated tuna that is still available for sale is not known, since agency and industry officials said it was almost impossible to determine the number of cans that had already been sold and consumed. What is still on grocers' shelves is being ordered off. In addition, the Food and Drug Agency is not advising consumers to return cans that they have purchased.

Following is a list of brand names of canned tuna fish that have been found to contain more mercury than specified by the F.D.A. guidelines. The numbers after each brand are code numbers for the contaminated lots, which appear on the top of the affected cans:

Bumble Bee (0302/L2Z1).

Chicken of the Sea (OH8Z3/DCIUF; OH6RU/CN12E; OH6PU/CN12F; OH003/SCIMD; 9H1Z3/SC14MF; OH013/SC14L; OH8LU/CN-22D).

Empress (H24B3/821CL); (H25B3/821CL; H25B2/821CL).

Grand Union (OH723/SC47D; OH86U/CN43G; OH3XU/CN12J; OH86U/SN12J; OH86U/CN12F; 9H583/SC1BM).

Orchard Park (ACL/SC/0507).

Star Kist (912F1/FB733; 741F1/GB7Z3).

Van Camp (OH3LU/CN12J; OH3XU/CN-22F; OH47U/CN12J; OH51U/CN22J).

"It is contaminated but not a health hazard," Dr. Edwards told a news conference.

He explained that the contamination level set by the agency—one-half part of mercury to one million parts of food—was a purely artificial number to be used as a "guideline" that offers a substantial margin for safety" and should not be considered an absolute tolerance level.

Dr. Edwards noted that there had been but two reported incidents in which mercury-contaminated fish had caused harm to humans. In these cases, both in Japan, "the fish eaten contained from 10 to 80 times the .5 part per million level," he said. He added that Japanese ate much more fish than Amercans.

The highest level of mercury found in the 138 samples tested so far, he said, was 1.12 parts a million. The average of all samples was .37.

As with the seal blubber that was found in October to be contaminated with mercury, the mystery remains as to how the metal tainted the flesh of the fish.

Dr. Virgil O. Wodicka, director of the F.D.A.'s Bureau of Foods, said, "In terms of hard facts, we don't have any."

Dr. Wodicka pointed out that it was extremely unlikely that the mercury came from a single source since many brands of canned tuna, several species of the fish, and specimens taken over a wide geographical area of the globe had been found to be contaminated. Tuna is a deep-water fish that is found in vast areas of the Atlantic and Pacific Oceans.

"The best guess is that the mercury somehow got into the food chain [the cycle in which larger species eat smaller], although we're not even sure of that," the director added.

FROM SMALL TO LARGE

Biologists believe that metallic mercury stemming from mining and industrial wastes is carried by rivers into the seas. Bacteria transform the metal into an organic salt, methyl mercury, that enters the bodies of small marine animals such as plankton. The mercury is then concentrated as the plankton is eaten by small fish that are then eaten by larger species.

Research programs are under way by the Food and Drug Administration, the National Oceanic and Atmospheric Agency and the tuna canning industry to determine if there is a pattern of contamination, and if excessive amounts of mercury existed in tuna packed in previous years.

The investigation is also seeking to determine if other types of sea food are contaminated by mercury. A cursory examination of shrimp and salmon samples by the Federal agency has not found high levels of mercury. But some samples of frozen swordfish imported from Japan were found last week to be contaminated.

Dr. Bruce McDuffie, a chemistry professor at the State University of New York campus at Binghamton, spurred the investigation of mercury in tuna fish by reporting on Dec. 3 the finding of a can of tainted fish.

FIRST TIME FOR OCEAN FISH

The finding is believed to be the first time that high levels of mercury have been found in ocean fish, although many species of fresh-water fish in United States and Canadian waters have been found this year to contain excessive amounts of mercury.

Charles Carry of the Tuna Research Foundation at Terminal Island, Calif., said it would probably be a month before the impact of the withdrawals on the canning industry could be assessed.

"At this point we simply don't know how many cans of fish we are talking about," he said.

One F.D.A. official estimated the loss to the canning industry at $84-million, but Mr. Carey said he considered that figure "excessively high." He estimated that the value of canned tuna packed this year was $250-million "at the cannery"—that is, before wholesale and retail costs were applied.

Dr. Edwards said his agency was taking the extra precaution of testing new catches of tuna and sampling all imported tuna, in addition to banning those lots that have been found to contain excessive amounts of mercury.

"I want to reemphasize the point", he added, "that given present levels of tuna consumption in this country, the relatively low levels of excess mercury content found to date and the fact that even this excess is being removed, we are confident that the American consumer is now and will remain safe from risks of mercury poisoning."

MERCURY CAN BREAK UP CHROMOSOMES, DAMAGE BRAIN AND DEFORM THE UNBORN

The elusive element mercury, deadly toxic in large amounts, can damage the brain, break chromosomes, deform the unborn. In Japan, it killed.

Fish and shellfish heavily contaminated with methyl mercury near Minamata, Japan, are reported to have caused 111 cases of mercury poisoning between 1953 and 1960. Of the 111, 43 persons died. These levels of mercury were far higher than any ever found in this country.

Also among the 111 were 19 babies born with congenital defects to mothers who had eaten the fish and shellfish. The mercury was traced to waste from a large chemical plant polluting Minamata Bay.

In 1961, a second episode struck Japan. Mercury pollution of fish reportedly poisoned 30 persons in Nügata. Six died.

In Sweden, the use of methyl mercury in a seed dressing was blamed for a drastic decrease in wild bird populations. The use of methyl mercury as a fungicide was banned in Sweden in 1966.

ANCIENT POISON

Mercury, known as quicksilver through the ages, and fascinating to toy with when the thermometer breaks, is a poison, a substance that by its natural chemical action damages the structure of the body or disturbs its functions.

The elements, the only common metal that is liquid at ordinary temperatures, tends to become associated with red blood cells and nervous tissue, and reaches the brain and central nervous system. It easily passes the placental barrier to become concentrated in the fetus.

In attacking the brain, mercury can cause neurological disorders such as blindness, paralysis and even insanity. It also attacks vital internal organs such as the liver.

In August, scientists from Stockholm reported in the Archives of Environmental Health that they had found chromosome breakage in humans who were exposed to high levels of methyl mercury in the fish they ate.

HINT AT GENETIC DAMAGE

Chromosomes carry the genes, man's heredity. The Swedish scientists said their findings suggest that mercury poisoning could lead to genetic damage to offspring, but added that this was not proven.

The concentration of mercury in the fish in Nügata suggested that regular daily consumption of fish containing 5 to 6 parts per million of mercury would be dangerous.

This figure is far above the levels that have been found in fish in the Great Lakes, for example. Also, fish are a less important part of the diet in this country.

A part per million has been compared to one ounce of vermouth in 7,530 gallons of gin.

Mercury gets to the fish from industrial processes, although there is a small natural level of mercury in the environment. Certain industrial processes use large amounts of phenyl, methoxyethyl and inorganic mercury which, via industrial waste, reach the bottom of lakes and rivers.

There, these forms of mercury, which are considered less toxic, are metabolized into methyl mercury, the highly toxic form, by microorganisms in bottom sediments.

The best known source of mercury contamination occurs when lye, or caustic soda, is made, according to Dr. Frank M. D'Itri of the Michigan State University Institute of Water Research. Caustic soda is a basic building block for other substances in the chemical industry.

Mercury is used as a catalyst, to speed a chemical process, in the manufacture of such plastics and urethane and vinyl chloride, and of the chemical acetaldehyde. Mercury is used in the electrical industry, Dr. D'Itri has said, where each year a million pounds of mercury is put into long-life batteries—"batteries which are eventually thrown out."

Many seed dressings, fungicides and sprays used in agriculture contain mercury.

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 amendment of the Senate to the bill (H.R. 15549) to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the

United Seamen's Service, and for other purposes.

The message also announced that the House had passed a bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, in which it requested the concurrence of the Senate.

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. HARRIS. Mr. President, I rise to speak in opposition to the continuation of funds for the SST.

I pay the highest of tributes to the distinguished Senators from Wisconsin for the valiant fight which they and others have waged over the years on this important issue. I, like them, was happy when this fight was eventually successful during this session of the Congress in the consideration of the appropriations for the Department of Transportation. The Senate voted 52 to 41 to cut off funds for the supersonic transport. At long last we thought we had brought this project to an end.

The efforts of the distinguished Senators from Wisconsin and others are certainly praiseworthy, particularly now because they and others are doing the Senate's work. They are standing here on the floor of the Senate, upholding the will of the majority of the Senate. That majority will was expressed very clearly after debate not only this year but after many other discussions in former years.

The Senate this year made up its mind on this issue and expressed its will very clearly and very decisively.

I rise to join with the Senators from Wisconsin and others to uphold the decision of the Senate, to uphold the will of the Senate. This portion of the conference report that seeks to restore $210 million for the building of the supersonic transport should not be agreed to.

Mr. President, much has been said about noise, about pollution, about economic feasibility, and about other subjects as they relate to the construction of the SST. I will confine my present remarks, however, to the question of national priorities which, in my mind, is the overriding reason why I now should rise to oppose the SST, as I have in the past.

Mr. President, just yesterday the President of the United States vetoed a manpower bill which would have, among other things, greatly increased the number of public service jobs which so many of the unemployed people in this country need.

The economy of this country is in very, very serious straits. I do not believe that the President has yet realized how serious our economic plight is. Unemployment has risen to 5.8 percent. I believe that most everyone would agree that it may go still higher.

The President of the United States has tried to indicate that the fact that unemployment is so high is primarily the result of either the recent General Motors strike and/or of the slowdown in the war. Those are not valid excuses for our inability as a Government to prevent and reverse rising unemployment in this country. Intolerably high unemployment is the result of the current fiscal and monetary policies of our Government, policies which, as I have said in the past, are sadly mistaken.

The General Motors strike is not the cause of the serious decline of the economy in this country. The distressing economic report issued yesterday, interestingly enough, came just at a time when the President was somewhat taking away attention from that bad economic news by commemorating the fact that our economy had arrived at the trillion-dollar mark, insofar as our gross national product is concerned. The President made the front pages of the paper on that item. However, the inside pages of the paper carried another story which I think is a good deal more important and should be the cause for great concern to us all. That was the news that our economy had once again continued to decline, as the new indicators show.

During the General Motors strike, I happened to be in Cleveland, Ohio, where two large Ford and Chrysler assembly plants are located. I learned that at the very height of the General Motors strike, unlike what one would expect when their principal competitor was closed down, those two plants of Chrysler and Ford at Cleveland were working 4-day weeks. Men not only were not earning overtime pay, which has become the margin on which so many workers today live, but they were not even able to work a full workweek.

The reasons those plants were operating with idle capacity, even though their principal competitor was shut down altogether, are clear. Money has been unnecessarily tight in this country. Interest rates have been kept outrageously high. People do not have the money to buy automobiles. A great many people are earning a lot less than they earned previous to the time that present economic policies were put into effect. The economy has slackened. Those are the reasons why those plants were operating at less than full capacity. The fact that those plants were operating at less than full capacity, even while General Motors was shut down, plainly shows that it was not that strike which caused the downturn in our economy.

There will be some false indicators of economic growth. The administration will, as they have done in the past, point to them as showing some reason for optimism. One such indicator will be the upturn that will come as a result of General Motors going back to work. That will not be large or lasting. The other such indicator probably will arise from the stockpiling of steel in the face of the possibility of a strike in the steel industry.

Those indicators should not cause us to turn our attention away from the fact that people in this country are needlessly out of work. Today our economy is needlessly on the decline. We can feel it here at the Federal level because we are not operating today at a rate of 4 percent unemployment or less, but, instead, are operating at a rate of 5.8 percent unemployment.

We will collect into the Federal Treasury this year some $15 billion to $19 billion less than we would have except for this decline which has been brought about in our economy.

Mr. President, some people have criticized the Democrats in the past for having big deficits. But here we have a big deficit, conservatively, estimated to be at least $15 billion. It will probably be higher. That deficit is caused not by spending, but by conscious economic policies which have caused revenues to fall far short of what had first been expected, far short of what they should be.

Mr. President, if we are going to have a deficit, the Democratic kind which results from spending would seem best; the other way we now have a deficit by reason of the fact that the economy is unnecessarily slow and we are then collecting less revenue. There need not be a deficit now at all.

The seriousness of the shortfall in revenue cannot be fully realized until one looks at what is happening in regard to municipalities and State governments. In my State a surplus which had been hoped for by the incoming Governor has disappeared. It now looks as if there will not be a surplus. The city of Newark anticipates a deficit this year of 40 percent of its entire operating budget. New York City has already laid off people and has frozen the filling of additional jobs. They looked to Albany and find Albany in trouble, just as my State of Oklahoma is in trouble, because of the shortfall in revenue.

Mr. President, that being the case, we should concentrate on priorities and the need for people to have jobs. Yet yesterday the President vetoed a bill which would have provided many new public service jobs in this country. The question of jobs is involved in the SST. In my State, North American Rockwell in Tulsa, Okla., for example, has jobs which are involved with the SST, and I worry about that very much.

The President spoke yesterday against what he called WPA type jobs in the bill he vetoed. But, as I have said before, we do not have to build a supersonic transport or an ABM or keep military expenditures unnecessarily high or fight a war as a kind of WPA program to provide jobs for people. There are plenty of jobs that need to be done in this country. The bill the President vetoed yesterday would have recognized some of those needs for health aides, teacher aides, law enforcement aides, and for the rebuilding of our cities. Millions of such jobs need to be done. But the President just cut out addition of those kinds of jobs. Yet he recommends the SST partly because of the jobs involved in the aerospace industry.

The Government should be giving its

attention to the transition from the aerospace industry and from warmaking to peacetime jobs. The very plants, jobs and skills involved can immediately be turned into jobs for the building of antipollution devices and mass transit equipment, for example. Those jobs, unlike the SST jobs, would be permanent and secure. They would be jobs that would be there from now on, because they involve the production of technological equipment which is greatly needed in this country and which will be needed more as time goes on.

On the other hand, if by some quirk of fate the will of the Senate is now thwarted and the SST is given another year of life, those jobs in my State, in Tulsa, and elsewhere in the country, will be under attack again next year.

There would be no security and permanence in those SST jobs. There would be job security and performance if the Government gave the proper kind of assistance and attention to the transfer of industries and jobs and to the retraining of working men, wherever it is necessary, to the production of antipollution equipment, mass transportation equipment, and other jobs that we know will continue.

That brings me to the next point. The President indicated that somehow we cannot have peace without unemployment. I reject that kind of tradeoff. It is not necessary. It did not follow World War II, which the President seemed to have overlooked the other night in his press conference, and it need not happen now.

A noted economist in this country has said that the notion or admission that we cannot stop fighting an unnecessary war and bring down unnecessarily high military expenditures and cut out such things as the supersonic transport, and at the same time have full employment, is like admitting that one is so uncoordinated that he cannot walk and chew gum at the same time. We can build the kinds of jobs needed in this country, but we have to get our priorities straight.

As Senators know, the President has vetoed bills dealing with education, bills dealing with health, and bills dealing with the need for increased health facilities and hospitals, and he has vetoed those bills, saying, among other things, that we cannot afford those expenditures; and yet we can, according to him and his supporters in this instance, afford the expenditure for building a supersonic transport.

Mr. President, I wish to tell you about an experience I had recently. My wife and I went to the little town of Sallisaw, Okla. I discussed this experience not long ago in connection with the space shuttle and the attempt by the Senator from Minnesota (Mr. MONDALE) and others to strike those funds. I was in the little town of Sallisaw. My wife and I visited in the home of a young couple we had not met before. They were 24 or 25 years old and fairly successful in that small town. While we sat in the living room of their house there in Sallisaw, one of their children, a beautiful little blonde-headed boy who looked to be about 4 years old, was playing in the kitchen.

In the process of our conversation with his parents the little boy's mother talked about her activities in an organization called Human Growth, Inc. I had not heard of that organization and I asked about it. She said the organization sought to focus greater attention and stimulate research in the field of disorders of the human pituitary gland. The pituitary gland controls human growth.

I asked her how she came to be interested in that subject. She said that their little boy was born with a disorder of the pituitary gland. She said that he had no chance to live to normal manhood unless, right away, in the next few crucial years, there can be some breakthrough in medical research concerning such disorders. She said that last year, for the first time since their son had been born and his condition diagnosed, they had some hope because the Government, through the National Institutes of Health, had started a program of research into disorders of the pituitary gland. I believe she told me that the entire research expenditure for that program by the Federal Government last year involved only $40,000. A portion or perhaps all of that research was being done in Dallas, Tex., and she and her husband had regularly driven that 250 miles from Sallisaw, Okla., to Dallas, Tex., to take that little boy there to take part in that research, hoping against hope there might be some breakthrough and that he might yet be saved and that his disorder might be corrected before it was too late. She said that this year that research project had been cut out entirely.

Mr. President, that is an outrage. It is an outrage to cut out those funds in an attempt to hold down unnecessary expenditures. The amount was only something like $40,000. I say that anyone who wants to get a better understanding of priorities and human needs should go down to Sallisaw, Okla., and talk to the young parents of that child about our building a supersonic transport in preference to spending additional money in medical research and health.

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

Mr. HARRIS. I am glad to yield to the Senator from Washington.

Mr. MAGNUSON. I presume the Senator is familiar with the activities of the Senator from Washington in the HEW field, is he not?

Mr. HARRIS. Yes.

Mr. MAGNUSON. I handled that appropriation for many, many years. I have doubled, tripled many items. We are now 26 percent over the amount budgeted last year for NIH.

I have tried to get additional funds, with the support of the Senator from Oklahoma and other Senators. The first bill I passed in Congress was to establish the Cancer Institute, in 1938, and I started with the sum of $1 million. It now receives almost $198 million, all told, every year.

I know what the Senator is talking about. I just think we can have both of these programs. I have been on the appropriation committees a long time, and I know that, simply because we cut out something here in the appropriations committee, it will end up in another account.

Mr. HARRIS. That is precisely what does happen, as the Senator knows.

Mr. MAGNUSON. It does not.

Mr. HARRIS. He has handled certain of the bills which the President of the United States has vetoed.

Mr. MAGNUSON. I am the most vetoed man in the Senate.

Mr. HARRIS. I think the Senator should be vetoed this time by the Senate.

There are choices which must be made. The President is giving us the wrong kind of choices. He vetoes bills that the Senate passes because they, rightly, provide increased appropriations for education and health. Just take my own State——

Mr. MAGNUSON. I just want the Senator——

Mr. HARRIS. I want to say this, because it involves the Senator's question. In December 1968, the State of Oklahoma voted what was called a "hero" bond issue. It involved more than $30 million in higher education construction funds. Most of those funds—as a matter of fact, I think none of those funds—have not been spent, despite the tremendous need for increased facilities on our college and university campuses in Oklahoma, because the Federal funds have been frozen.

The Federal funds are being withheld.

I do not think there is any way Senators can justify those kinds of priorities.

The Senator knows the President says he is not going to approve bills that go above his figures. He does not want us to spend over a certain amount of money.

Mr. MAGNUSON. Unless we make it mandatory spending.

Mr. HARRIS. I think we ought to decrease it here and provide more over there, so that the total amount will stay within the budgetary confines he has set.

Mr. MAGNUSON. All these programs must stand on their own feet. I have been on the Appropriations Committee for a quarter of a century. When I say I am the most vetoed man in the Senate, I am talking about vetoes over appropriated bills. I have passed that attempt to reorder priorities. It was not the amount of money, but the inability, for example, to control priorities within the NIH. That is the problem. We have a fine group of people. Many of my friends have thought, over the years, that we ought to have a new approach to cancer, to concentrate on one disease. Cancer is the No. 1 killer, and no one knows it better than I do. Then the heart people come in and say that heart disease is the biggest killer. Other people testify before us making similar requests.

I recommended that this program be continued because it has shown good success, but it was not because money for the supersonic transport was cut out, it was not because the ABM was out—and I voted against it, and I did not vote against it because of the money but because I do not think it will work——

Mr. HARRIS. I have the same prob-

lem with the SST, but I think it is a matter of priorities.

The President of the United States has vetoed various bills in the past precisely because they provided for spending too much money, and we could have argued—

Mr. MAGNUSON. The education bill.

Mr. HARRIS. The President could have put a little more into research under his budget. I honor the Senator from Washington for what he has done in the past in these fields. But I think there is no way one can avoid the argument that the President of the United States, under the budget he has set, establishing upper spending limits and vetoing every bill which goes above that limit, would obviously have more money to spend on medical research, on health, on education, on jobs, on the housing crisis, if less money were spent for such projects as the supersonic transport, the ABM, the space shuttle, and other such projects.

The truth is that we do have limited resources. Our resources will still be limited when the war in Vietnam is over, as it should now be over, and our boys are all home. We will still have to make hard choices, within those limited resources, as to how they should be spent. That is what Government is. That is the whole process of Government—the division of limited resources, making hard choices as to how we will spend our resources.

Mr. MAGNUSON. I would not say it is resources; it is a question of capabilities.

One other thing we have to think about. Let us leave this for the moment. We must to do all these things. In the Commerce Committee we started the first antipollution bill. I am the author of many such bills. But today we have to pay attention to keeping the economy moving so working citizens will make enough money to pay the taxes to pay for the social programs we have to have. I also consider this impact on our balance of payments, also. I guess the Senator disagrees with my conclusion.

Mr. HARRIS. I do.

Mr. MAGNUSON. These projects have to keep moving; otherwise taxes will not be coming into the Treasury, or if they do come in, it will be diminished amounts. We cannot all live at Walden's Pond. Even Thoreau got tired of it after a year.

Mr. HARRIS. The Senator's argument does not do justice to his case.

Mr. MAGNUSON. I am talking about it in a general way. We must encourage economic activities that will produce jobs. If the jobs are all going to be provided by the Government, somebody will have to pay taxes to pay those salaries. Those taxes will come mainly from the private sector. Otherwise there will not be the money to do the things the Senator from Oklahoma and I want to do.

Mr. HARRIS. There is much to be done in such fields as mass transportation. There is a growing need for antipollution devices. The President vetoed one bill that, as I recall, involved increased money to fight pollution. Yet he pushes for this plane, and there is a very grave question as to whether it itself will add to the pollution of our environment, which is already polluted, as the Senator from Washington knows, to a highly dangerous degree.

The President has made the wrong kinds of choices, in my judgment. The President, as another example, has frozen funds which this Congress has provided for several programs in Oklahoma, my home State, which are necessary for providing municipal water supplies. In the town of Waurika, which is very near my home, a water project has been authorized, and appropriated for, that will supply my home town of Lawton, which is in desperate straits for water, as are many cities in the western part of Oklahoma, and which will protect the town of Waurika from the ravaging floods which it experiences almost every year.

The President has decided to hold up funds for that project, despite the fact that in the past that kind of action has proved to be false economy, because eventually we go ahead with the project, and in the meantime inflation has caused the cost of the project to go up and the taxpayers end up paying more for the same project.

Think of the problem of water supply for cities such as the city of Lawton, in which there is a military installation with a rather large population. Water is in desperately short supply. Every town and city in that area is trying to ascertain how it is going to get water next summer. The city of Altus and many cities and towns have that problem. Instead of helping Waurika and Lawton and other cities to meet their desperate need for water, the President insists that it would cost too much. He freezes those funds and yet pushes for the SST.

Mention has been made of the SST jobs. Mr. President, if we would just move ahead on the great crisis we have in housing—we have the worst housing crisis since World War II—look at all the jobs there. If we would just move ahead on higher education construction, for which the President is holding up funds, look at the jobs there. If we would just move ahead on water resources programs, look at the jobs there.

I do not think there is any way one can say we have got to build the SST for jobs, and at the same time refuse to move ahead in so many fields where there are jobs that desperately need to be done in this country.

Mr. President, it is a matter of priorities. There are other very serious considerations, problems of international law, problems of the sonic boom, problems of pollution, problems of economic feasibility—look at the airlines now, and what poor financial condition they are already in, particularly with the purchases of the 747, and consider how it would be with the SST.

But I shall not go into any of those arguments. The overriding consideration, in my mind, is the question of national priorities. If we will put human needs first, if we will put first things first, if we will make the right choices about how to divide our severely limited resources, then, Mr. President, we will come down on the side of the people. We will come down on the side of the majority of the U.S. Senate and, once again, disapprove the expenditure at this time for the supersonic transport.

Mr. HUGHES. Mr. President, I want to join with my distinguished colleagues who have been discussing the conference report on the appropriation bill for the Department of Transportation and related agencies. I understand the particular motion before the Senate now is for postponement of the pending business until tomorrow. The issues involved here are far too important to be lightly regarded or to be overlooked in our desire to finish our business and adjourn.

I know all of us are very anxious to be through with the business at hand, and to go home, or wherever we had planned to go, for the coming holidays. We would like to find some way to finish the business before this body and before Congress. We all want to go home to our families. Our staffs want to be freed of the burden of reading the RECORD each morning and following what is happening in committee work, debate on the floor of the Senate, and so on. And I am sure that everyone sitting at the desk, including the Official Reporters, and the hard-working men in the Government Printing Office, would like nothing better than to hear the sound of silence in the Capitol, and to be relieved of their duties in connection with the problems before us.

This has been a busy year for us. Today marks the 199th day this year that the Senate has been in session. We have conducted approximately 1,300 hours of debate and discussion, filling I might add over 20,000 pages in the CONGRESSIONAL RECORD. Most of it has been friendly, despite our disagreements. But no matter how sharp our disagreements, I believe that every Member of the Senate has acted out of his own conscience and his concern for what he considered to be the best interests of the American people.

When we raise issues relating to the preservation of our threatened environment, we are responding to what I think is a universally felt concern among Americans. When we discuss the need for careful evaluation of costly governmental programs, I believe we are doing our duty as protectors of the public purse and the public interest. When we call for a reordering of national priorities, we are focusing attention on the basic choices that our country faces—over which direction we should take in the years ahead.

These are all vital issues—issues that merit discussion to whatever extent is necessary to finally determine whatever the best interest of our Nation is, and issues that in some cases look ultimately to the continuation of the human family itself. I am sure that no one in this Chamber would dispute that. And these are precisely the issues raised by the funds appropriated for the supersonic transport. If we are to serve the public interest, it is my conviction that we cannot accept the conference report in its present form.

This year of 1970 has been a productive one in the Congress. As of the end of November, the Senate had passed a total of

783 bills and resolutions. In the past 2 weeks, as we all know, we have acted on several other significant measures. I did not approve every measure that was adopted, nor has anyone in this body. I would have preferred additions or deletions, or sometimes defeat, of many of the pieces of legislation which we have approved. But no one can deny that we have put in long hours and have produced major legislation.

Yet now, with the lifetime of this Congress rapidly drawing to a close, we are faced with some of the most complex and far-reaching measures ever presented to the Senate. In one bill, the Senate is asked to approve many important amendments to the Social Security Act, changes in the medicare and medicaid program, a new catastrophic illness insurance program, a major and potentially disastrous piece of trade legislation, increases in veterans' pensions, and a welfare reform measure which has contradictory purposes and exceedingly complex provisions. To say the least, I am sure the leadership and the Members of both parties and the committee members want to work out ways through the maze that this presents, technically and parliamentarily, for this body; and we want, I am sure, to do the best we can, and pass many of the major segments of this particular legislation.

The many items on that one bill make Santa Claus look like Ebenezer Scrooge.

I am not now discussing my views on the so-called Social Security Amendments of 1970. But I want to make clear to my colleagues who are eager for quick disposal of the pending conference report that we would be enmeshed in the complexities of that bill if we were not otherwise concerned with the transportation appropriations. But under the dual track system, we will have an equal opportunity to present our segments of debate even on those very deep and complicated subjects.

We have to discuss this conference report in detail for many reasons, not the least of which are the issues of pollution, cost, and priorities which I listed earlier. But here are other reasons—ones which we must make clear to our colleagues on the conference committee, to the President and his administration, and to the people as a whole.

The Senate vote 2 weeks ago to eliminate funds for the SST was not an ordinary amendment to an appropriation bill. It was an historic vote—historic in its symbolism and in its intended effect on Federal spending. It was also a major vote, in which the Senate made a fundamental decision on what the Department of Transportation would be allowed to do in this fiscal year and in its planning for future years.

Many Senators were under extraordinary pressures from constituents and from industry prior to that vote. Feelings ran high and the concerns were deep and long lasting. Unlike the other body, the Senate had an opportunity to take a clear and unambiguous stand on this specific program for the SST. Our debate was vigorous. We studied the many facets of the issue. And then we took a decisive stand.

Yet in spite of our action, the conference committee voted to continue the SST, although it reduced the funds for this year by $80 million.

I realize that many factors affect the way conference committees reach agreement. And I am certain that the Senate's members on the committee made a good faith effort to represent the Senate's position on this matter. But the fact remains that we in the Senate as a whole have final authority and responsibility to accept or reject this report. As long as funds for continuing the SST are included, I shall vote against this report. There is no other choice.

I wanted to take this opportunity to discuss the SST at this time, because extraordinary issues are at stake. If we were to accept the report quietly, without reasserting our majority position, our earlier vote might be misinterpreted. Conferees on other bills might feel less reluctant to insist on the Senate's position in the future. The Chief Executive might feel—as he sometimes seems to feel—that the will of the Senate can be disregarded.

This is a very important point. Too often in recent years, Congress has been excluded from consultation—at least, in my opinion—on major national policies. The problem has been acute in foreign affairs, since Presidents have felt free to begin or escalate wars or acts of war without due regard for constitutional process. In domestic policy matters as well, the executive branch has disregarded the clear intent of Congress. Provisions of law—such as the civil rights legislation requiring a cut-off of funds to segregated schools and institutions—have been, in my opinion, subordinated to administrative decisions, which may well have been conditioned by political considerations. Another example is the President's refusal to use the authority granted by Congress to act to halt inflation through temporary wage and price controls.

The problem runs deeper in the case of the SST. Here was a major program favored by the President—despite strong opposition from several of his own departments and agencies. The true believers in the administration fought a good fight for the SST. Several of their arguments had merit, although, on balance, I believe that the reasons against the program were far stronger. The administration made its case to the Senate, but it lost. Instead of accepting the Senate's decision, however, the President has tried to reverse that decision. If this conference report is adopted, he will have succeeded. And it is likely that he will, in the future, pay less attention to those of us who want to rechannel Federal expenditures into programs of domestic renewal, which will benefit all the people.

If this report is adopted, the historic symbolism of our vote 2 weeks ago will be lost. For once, the Senate looked beyond the immediate benefits of a new program and considered instead the long-run costs—in money and in terms of its effect on the environment. For once, the Senate voted against spending us out of a recession with just any job-creating program and instead insisted that other means be used to help the people threatened with unemployment through the cancellation of the program.

The SST is a test case, in my opinion, of the Senate's willingness to assert its proper legislative role. In the past we have too often felt compelled to surrender to accomplished facts. We have bought the argument that the best way to deal with a bad investment is to sink more money into it. This kind of thinking, this reluctance to stand up and say "no" to an ongoing program, has led us to spend billions of unnecessary dollars for the C–5A, billions for canceled weapons programs, billions in subsidies to special interests and industries like the oil companies, and billions in an unwinnable war. At long last, the Senate has said "no." I think the Senate should insist on its original position.

The people are watching us. They were heartened by the Senate's courageous vote 2 weeks ago. They will be deeply distressed if we meekly surrender to the momentum of this program now.

Who knows? Perhaps the people will follow the defeat of the SST with a more searching investigation into the many other Government programs which have gone on for years and years, more through force of habit than through clear choice and, many times, clear understanding. This one victory, if it is sustained, may convince millions of idealistic Americans that ordinary citizens can prevail against the entrenched interests and, many times, their well-financed lobbyists.

None of us can be sure that these things will happen if we can stop the SST once and for all. But I believe that the chances are good. If the Senate capitulates, however, then I am certain that there will be a new wave of disenchantment with our legislative processes.

Before our first vote on the SST, we were all deluged with mail. Most of it, at least from my constituents, was vigorously opposed to the program. People from Iowa made many thoughtful comments—and I want to share some of them with the Senate today because these people say, much better than I can, how deeply they feel regarding this issue.

Since our vote 2 weeks ago, I have received many additional letters, usually approving of my opposition to the SST.

A woman from West Branch, Iowa, wrote as follows:

> Thank you for the NO vote on the SST. I believe it is a most hopeful sign that the Congress of the U.S. has recognized that technological developments must be considered by other criteria than the mere fact of know-how. Quality of life and preserving our environment have become more imperative than reaching London in a shorter time.

That letter shows, I believe, that the people were encouraged by our action and would be disheartened by a reversal in our stand.

Opposition to the SST comes from all points in the political spectrum. This is not, as we can well recognize on the floor of the Senate, a partisan matter in the way we vote. One letter I received was signed by a man who proudly proclaimed

that he was "no longer a member of the silent majority." Another letter, from a man in Wiota, Iowa, was gratifying because the author wrote:

> You and I disagree on many things, but I heartily approve your vote against the SST transport plane. It was simply a case of promoting the greatest good for the greatest number of people, which is the basis of all good government. I think that the SST type planes should be banned from use in this country.

The last sentence of that letter raises another point which we should remember. The Senate voted—the day before rejecting funds for the SST—to ban all such flights which did not meet standards to protect the environment. It already has been spoken to on the floor of the Senate many times, but again I call it to the attention of Senators. The bill was sponsored by the sponsors of the SST. Nothing more has been heard about it. At least, so far as I know, no hearings are scheduled and no report is likely this year, and no mention of the restriction was made in the conference report.

We would be ill-advised if we took on faith the assurance that SST's would be banned from flying over land areas of the United States. We would be derelict in our duties if we neglected to press for this legislation even before we vote to appropriate any funds for the SST. I do not want the Senate to be put in the position next year, if funds for the SST are somehow continued, of being told that our restrictions are to be disregarded because the money we had spent on the SST would be wasted unless it was allowed to fly over land areas.

The most important consideration in the minds of the people who have written to me has been the predicted impact of the SST on the environment. What damage the SST will do to the upper atmosphere remains an unanswered question. What damage the sonic boom will cause is more certain, because we have decided to ban such boom-causing flights over our own land. More research needs to be done on these questions, of course, but I believe that the wise policy is to ask and answer the questions first—then make any decision to go ahead with production of a potentially dangerous plane.

I might add, as was stated this morning by the distinguished Senator from Washington, that many military planes are flying at these planned speeds and altitudes, the Senator said we are not very well informed on them, but at least the fact is they are flying that way. Even in the process of developing the necessary military equipment we have apparently not done the amount of necessary research into potential ecological damage, although we have the planes flying, and although we have had the capability of doing such research. There is a difference between a military flight and a commercial flight in this instance. I feel that the responsibility lies with those promoting this program rather than with the American people to make the case. That responsibility is one which is of keen importance and which, in fact, can and might affect the lives and well-being of all the people on this plane. A high-school student from Clear Lake, Iowa, wrote to express his concern:

> I wish to thank you for your consistency . . . in voting against those bills which would have an adverse effect on our already mis-managed planet. Specifically, this letter supports the stand you have taken as an opponent of that super-expensive blunder, the SST. This plane is unnecessary economically, ecologically, socially—any way you look at it.

I find this increasingly occurring, that students in high schools as well as youngsters in junior high schools are writing. It is encouraging to see so many young people deeply concerned with the critical issues of our age, rather than just the social problems of their own way of life wherever they happen to live. Many times their deep concern is with the problems at hand. I am happy to report many letters are sent to me which come from young people of this kind. They have faith that we will stick by our earlier decision and prevent any pollution by an SST. Some of these young people said that they were members of high school or college ecology clubs—which is another gratifying development.

A woman from Des Moines took a world view of the problem posed by the SST. She wrote:

> I firmly believe our environment will benefit from this decision (by the Senate)—we surely don't need any more air pollution or noise pollution. Saving a few hours time for a very few people doesn't seem to me to be worth spending the tremendous amount of fuel necessary—let alone the money. I thank you very much for this vote for *humanity*. We need it!

Now I do not pretend to be a scientist who fully understands the many complex issues related to possible pollution by the SST. But I respect the judgment of the many experts whose doubts and fears have been related by the distinguished Senators from Wisconsin. I would cite only the conclusions of a group of leading scientists and Government officials who met last summer in Williamstown, Mass. They said:

> The projected SSTs 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.

I believe that we should continually point out the questions raised, that we cannot be certain and we do not have the information at hand, that we do not know. It is a question of remembering that complete proof does not exist on either side of the issue. When we face such great potential risks, Mr. President, I believe we should be certain of the consequences of our actions before we take them, if we can. Let us be sure, before we buy.

Many editorials have been written, and it has been stated on the floor of the Senate, that the only way we will ever know is to build the SST and then make a determination. The statement was made that we already have military equipment flying at these speeds and altitudes, which indicates we have the equipment at hand to do the research, and to know, before we sink this money into an additional potential for destruction. It would well behoove us to do that, instead of what we are attempting.

America is a rich enough country that we can take the lead—as we have so far to a large extent—in developing plans and programs to protect our environment. Do not misunderstand me. We have not gone nearly far enough. But at least there is now an awareness of ecological issues in this country which exists in few others. Remember that dictionaries, printed only last year, did not include such now common terms as "biodegradable."

My point is that we have not yet sunk as much as other nations into building an SST. Those nations, understandably, want to justify and protect their investment. They, like many of our own contractors, want to try to capture the supposedly large market for SST's. We in America, however, do not need the SST for our fine aircraft industry to survive. Even if the greatest hopes of these nations were fulfilled—and they built a popular SST while we did not—our own loss would be relatively minor: At the most an outflow of money to those nations and the failure of some jobs to materialize. Those are minor problems, in my opinion, because we could easily make up the difference in foreign sales and domestic employment by turning our aircraft industry to the equally promising fields of short-take-off-and-landing and vertical-take-off-and-landing aircraft.

The reaction to the Senate's vote on the SST, on the part of the British and French, was mixed. Some observers commented that this vote might well prompt a decision to scrap the Concorde—a plane which has not generated anything near the enthusiasm that was predicted for SST's. Perhaps by not joining the race we may convince other nations that the race is not worth running. Or if they do continue, they will be put on notice that their planes must be environmentally safe before they will be permitted in the United States.

Pollution of the upper atmosphere was only one of the drawbacks of the SST. The other environmental argument has been the physical and emotional damage which the noise of the planes might cause. Already we are blanketed by too many loud noises. Constant sonic booms would be unnerving, to say the least. The sideline noise during takeoff would be at least three to four times louder than current standards and at least four to five times louder than the current 747's. Those figures come from Russell Train, Chairman of the President's Council on Environmental Quality. Another scientist, Dr. Richard Garwin, predicted the astonishing and frightening figure of noise equal to the simultaneous takeoff of 50 jumbo jets.

We are assured that none of these problems will be so great, that solutions will be found somehow, sometime. How many times have we been given such assurances on other programs? Contractors are never willing to admit that things might turn out worse. Although they have intelligent and dedicated men

working on these problems, the evidence so far has not been very reassuring.

Consider, for instance, the slippage which has occurred between the characteristics specified in the original SST contract and those of the planned prototypes. The noise level, measured in perceived noise decibels, has been allowed to increase for takeoff from 93 to 110, for approach from 109 to 112, and for airport noise from 116 to 129. At the same time, other characteristics have been allowed to slip. Speed required for liftoff has been increased from 162 knots to 197 knots. This will require a much longer runway—10,300 feet instead of the planned 7,500.

I hasten to add, Mr. President, that these are only the prototype figures. If past experience with other contracts is any guide here, these characteristics will slip further in order to match whatever plane is eventually produced. And then we will hear the same arguments about the need to relax our requirements so as to justify our tremendous investment.

We do not have to buy this supersonic titanic of the airways. We can ground it now, before we lose any more money.

How much will this project cost? We have spoken many times of the expense figures and I have heard a lot of them quoted again today. The official estimates, of course, were only $1.3 billion. When we look at what good could be accomplished through just a few million dollars in neighborhood health centers, or job retraining, or drug treatment programs—it is shocking that we can so easily say "only" $1.3 billion. That estimate has now been increased by $150 million because of Secretary Volpe's statement that any decrease in fiscal year 1971 funding would increase costs on a 2-to-1 ratio.

These figures, themselves, grossly understate the probable costs. Again relying on past experience with cost overruns, which have been so ably documented by Senator PROXMIRE, we can feel confident in predicting that the ultimate cost to the Government of an SST program would be at least $3.5 billion and perhaps as much as $7 billion.

Is it worth this much to enable the affluent society to get to Europe quicker? Is national prestige so lacking in this country which produced the Wright brothers, Charles Lindbergh, and the first plane to fly faster than sound and the first men on the moon? No one doubts the daring or the success of American aviation. Aircraft other than SST's will continue to provide the bulk of air travel for the foreseeable future. We will lose next to nothing by not participating in this mad adventure.

The huge anticipated cost of the SST is only part of the problem. Let us remember who is paying this cost—the American taxpayers—all of us together. Everyone is footing the bill despite the fact that very few people will ever be able to fly in these planes.

SST's will not be permitted to fly within our own country. Not that many people fly overseas. And the high purchase price and tremendous operating costs make it unlikely that we will see any lowering of prices. That was one of the supposed benefits of the jumbo jets, but air fares have continued to rise. Thus, everyone would be taxed so that a few people would be able to get to Paris faster.

A man from Ames, Iowa, wrote me on this point. He said:

> Just as it is no longer necessary to manufacture automobiles which can travel at faster speeds, it is not necessary at this time to build airplanes that can fly faster. A car that has the capacity to travel at 160 mph still must travel on Iowa roads at 75 mph. Present airplanes that approach the speed of sound sometimes must circle over a busy airport for 30 minutes to 2 hours before landing, so what is the value of producing an airplane that surpasses the speed of sound?

A related point, of course, is that it often takes more time to get to and from the airport than it does to fly between airports. Thus, if our concern is shortening travel time, we already have more urgent problems than simply cutting down on time in flight toward which we could make contributions.

The many will pay so that the few can fly faster. The many—and that means ordinary tax-paying citizens—will pay Boeing and its subcontractors to build a plane which will profit them far more than it profits the Government.

Never before has the U.S. Government subsidized a purely commercial airplane. In 1951 the Congress rejected a demand to support development of commercial jets. But the airplane manufacturers thought they could profit from such development, so they went ahead on their own. Our leadership today is the result of their competitiveness. They not only took over the field from the British, who first developed a commercial jet, but they did it all on their own. If there really is such a profit to be made in building SST's, the companies will act on their own. If the risks are too great, so be it.

The current plan calls for the U.S. Government to provide 90 percent of development costs of the SST. Despite this huge contribution, the companies will reap most of the profits. Boeing, it is estimated, will make a $150 million profit if 139 planes are sold—yet the Government will still be taking a $1.2 billion loss. If the maximum predicted number of planes are sold—450 or so—the Government will get back $1 billion more than it spent. Yet Boeing will make a staggering profit of $6.5 billion. That profit, for which Boeing risked only 10 percent of the development costs, would be enough to finance our current levels of expenditures for disease prevention and control, environmental health problems, and consumer protection for 10 years. In other words, Boeing would receive in profits more than 10 times the amount of funds which our society would put into programs to protect us from just such machines.

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

Mr. HUGHES. I would be happy to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator pointed out that if a sufficient number of planes were built, the Government would get back its investment and $1 billion. If it is true that these planes will be produced over a period of time and that production will extend into the 1980's and 1990's, and so on, and if it is true that this would result in effect in paying back the Government with interest at something like 4½ or 5 percent, or something of that kind, when the Federal Government is now borrowing money at a higher rate, is it not also true that even if the Federal Government does get back its funds plus $1 billion, which is very unlikely, it would still not get back the full cost to the taxpayers. There would still be a subsidy involved.

Mr. HUGHES. I have not taken the time to figure out the interest rates. But I think the Senator has. His point is certainly well taken and is one that I would concur with. He has seldom been wrong on figures concerning the return on investments. I would certainly agree with the Senator's conclusions.

Mr. PROXMIRE. Mr. President, here we have a situation in which the Federal Government is putting up 85 or 90 percent of the development money, the risk money, and it stands to get back, at best if this works out perfectly, a return which is below the cost of the money to the Government, whereas the manufacturer and the airlines stand to make a very substantial profit although they are putting up 10 percent of the money and each, individually, is putting up less than that.

Mr. HUGHES. Mr. President, the Senator is absolutely correct on the basis of the projections. Over the long term, as the Senator has pointed out, it is even a more expensive investment for the Government because of the borrowing cost the Government must pay for the money which it is expending in this fashion.

Mr. PROXMIRE. Mr. President, from the standpoint of the taxpayer, this is a heads you win, tails I lose proposition. There are many reasons why the SST cannot pay off. We are told that if it cannot meet the environmental requirements, the planes will not be produced.

Many economists have argued that they can only sell 200. Some say 250. Some say 300. They have to sell 500 before the Federal Government will get back the funds to which the Senator from Iowa referred. Under these circumstances the taxpayer is taking a big risk. There are no circumstances under which he can get back the money which he paid, with the interest he paid for it.

There are many circumstances in which he will lose it all.

Mr. HUGHES. The Senator is absolutely correct.

I listened earlier today when the Senator from Washington was stating to the Senator from Wisconsin that we already have military planes flying at these speeds and at these altitudes. I do not wish to put words in the Senator's mouth, but it does reinforce the argument that it is unreal that we must build the prototypes to settle the ecological question. If we presently have the military planes, why do we not take advantage of the experience of those flights which are already taking place rather than to make an investment of this type to build civilian planes to carry passen-

gers and freight? There certainly is real reason to fear the results that could occur.

Mr. PROXMIRE. The Senator is correct. There are hundreds and hundreds of military supersonic planes on which studies could be made as to their effect on the environment. The noise study could be made on the basis of engines which are virtually finished, without those engines being attached to prototypes.

The argument that was made in a column in the Washington Star the other day that the real argument in favor of the supersonic transport appropriation now is that we need these prototypes for experimental purposes does not stand up. We do not have to spend this enormous amount of money to get those answers. We could have those answers without going ahead and spending the fantastic amount of money we are being asked to put up in this program.

Mr. HUGHES. I think the Senator is absolutely correct. From listening to statements by the distinguished Senator from Wisconsin earlier I concluded that we must recognize that there has been an unresolved question on the ecological problem that exists with this type plane at these altitudes of 65,000 and 70,000 feet that could endanger our existence. When that type question is raised, that there could be an effect upon humanity and all the people of this country, the burden of proof should not be placed solely in the laps of the citizens of this country; the burden of proof should rest with those people who favor and who are responsible for the construction of such a program.

It should be pointed out also that in the interest of the vast numbers of people in the country we do have a stake in the research in determining the effect before we proceed very far with this type program.

No one has answered very satisfactorily to me that if military planes are already available, planes which fly at these speeds and these altitudes, at speeds unknown to us, for security reasons probably, certainly the information that could be obtained from those flights should be made available so that we can reasonably resolve the issue before us today.

Mr. PROXMIRE. The one question that cannot be answered by the military planes, the supersonic plane, that also cannot be answered by the prototype, is what happens when there are 400, 500, 600, or 700 of these supersonic planes flying in the same corridors, such as New York to London and New York to Rome over the North Atlantic in the upper atmosphere. We would have to go ahead with many, many years and many billions of dollars of research to get an answer to that question. So to those who argue that military planes do not fly in that quantity, and that it would be enormously expensive for them to do so, I think the answer is that the two prototypes will not give us useful answers.

Mr. HUGHES. It has been stated that we must proceed immediately or we have lost everything, and that the aircraft industry will never be able to regain its position of being in first place in the world of building new prototypes and planes for carrying passengers and freights. If we go back to the beginning of the jet plane industry it will be remembered that we were not the first country to provide jet passenger and freight service. Certainly, when we made the determination to get into that business it did not take long for the investment and industrial capacity of this Nation to put us in first place. Many of the planes that we were at that time concerned about are almost nonexistent today. I believe we do have the time for the research and that we can and should do it before we make this heavy investment and take these risks to our environment. As the Senator has pointed out, this type investment on a long-range projection is quite unfair.

No one argues the legitimacy of a fair profit in our free enterprise system. But I do not believe that the American people would tolerate such a lopsided dedication of public tax money to private profit-making. The only reasons the people are not proclaiming their outrage are, first, that they are not aware of the contract provisions, and second, that they doubt—as I do—that such profits will be forthcoming in sales of SST's. Nevertheless, the principle of such a small return on the public's investment is a bad principle.

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

Mr. HUGHES. I yield.

Mr. PROXMIRE. If the suspicion which the Senator has expressed is correct that these profits will not materialize and develop, then what happens to the Federal investment? Then, the Federal Government not only is not going to get its money back with interest, but not get it back, period. That means the taxpayers will lose those millions and probably hundreds of millions of dollars. Is that correct?

Mr. HUGHES. The Senator is correct. It will be another program we have written off at the expense of the American taxpayers. The Senator has already mentioned other programs that have gone to the wayside after long investment.

The arguments for going ahead with the SST are not very strong. I have already alluded to the fact that our prestige in aircraft production is not so shaky that this costly supersonic gamble is required to shore it up. The possible adverse effect on the balance of payments is unclear—both because of the difficulty in making such predictions and because of the alternative developments which might be made to offset losses to buy foreign aircraft. As for the loss of potential jobs, the same point holds true: In the aircraft industry alone, there are many more sensible ways to go with our public investments than this dubious adventure.

Why, then, do we need an SST? The simple answer is that we do not. I found the mail from my constituents quite persuasive in this regard. No one argued that this program was vital to national security. No one said that it was worth every penny of the cost. Instead, the people of Iowa, I believe, showed good judgment and commonsense in answering the arguments put forth by the administration.

Now I would like to quote from a lady from Centerville, Iowa, who wrote:

> There were many good arguments for the bill. But I feel some of them were worthless. One argument was that we would fall behind in the field of aviation. I do not feel the U.S. must be first in everything just for the sake of being first. If anything, I think we should set our goals so that we would be first in peace, the first country to eliminate hunger, disease, and ignorance at home.

I agree with that lady.

I believe we have to change our priorities by abandoning wasteful programs like the SST and concentrating instead on the more compelling kinds of responsibilities she mentions.

Again quoting a student—and there have been many communications from students on this subject—a student from Iowa City who wrote to suggest some of these other priorities which are much more urgent than the development of an SST:

> If the SST is fully developed, then the funds will have to come from somewhere. Our nation will then also be deprived of money which could be put to much better use elsewhere. Our cities are dying. Pollution blankets our nation. Small towns and education need federal assistance. People are starving. And older people have practically been reduced to the role of vegetables. At least some of these problems, if not all, could be improved upon if the funds were rechannelled to them instead of the SST.

I readily admit that there will be problems in canceling this program. Some people will be thrown out of work immediately. Others may not get jobs they were counting on. But the far-ranging hazards of continuing the program are much greater than the immediate disadvantages of dropping it.

Possible unemployment is very unfortunate especially at this time. Just as it is unfortunate that the present administration believes that higher unemployment—even running to 5.8 or 6 percent—is "tolerable" in the fight against inflation. Both of these unemployment problems can be solved—by better management of the economy, by increased spending in nonmilitary sectors where there are pressing needs, and by imaginative programs of retraining and conversion of industry to peacetime pursuits.

A couple from Ames, Iowa, made this point quite succinctly when they wrote:

> Perhaps now, some innovative programs could be started to help with the unemployment in the State of Washington, and other areas of our country that are so affected by the cut-back in military spending. We don't feel our economy should be based on continuing a war or on keeping up with the Russians.

Several times today I have mentioned the alternatives for the Boeing Co., as well as for our society and the Federal budget, if we halt development of the SST. One of the most cogent communications I received on that subject came from a man in Muscatine, Iowa. He wrote:

> I urge you to vote against SST appropriation. As one who flies nearly one hundred thousand miles a year, much of it overseas, I see no commercial need for the SST. In-

stead we need adequate air control and dispatch systems to make domestic flying safe plus adequate ground facilities to speed travel. The noise problems posed by the SST limit its usefulness. The SST's impact on ecology is hazardous. Last summer at the Williamstown study of critical environmental problems at Williamstown, Massachusetts, a group of one hundred scientists concluded that accumulated wastes exhausted from SST's at high altitudes might disturb the balance of our biosphere. They favored postponement of SST development until this issue could be resolved. Our government had better subsidize development of planes of greater commercial value including those for shorter takeoff or vertical takeoff. If we forget these, someone else will steal the market.

In other words, Mr. President, we can preserve the great American aircraft industry, and we can turn our governmental resources to the critical problems which face us.

I do not like to oppose this conference report, since it does provide urgently needed funds for many vital programs. The recent tragic air crashes in Colorado and West Virginia have demonstrated the need for research into problems of air safety, and improved airport facilities, and increased numbers of well-paid air traffic controllers. All of these vital programs are funded in this bill, and certainly are programs that I support.

I also strongly support the money appropriated in this bill for research into high-speed ground transportation and for the Urban Mass Transportation Administration. Much more needs to be done in these areas. In fact, I would gladly spend this $210 million on such programs so that we can improve the means of transportation accessible to ordinary citizens of this Nation.

But the lines have been drawn, and until the will of the Senate prevails—and I believe that that would represent the will of a majority of the people in this country, if all the facts were known—I shall oppose these expenditures. If we are to stop the proliferation of wasteful projects which benefit very few people, it is essential that we begin by stopping the SST. Next year, in my opinion, will be too late.

Let me close by reading another letter, this one signed by 23 people in Waterloo, Iowa:

We are opposed to any further federal allocations—including subsidy to industry—for the development of the SST. And we are also opposed to permitting any other Nation's SST to land at American airports or overfly our territory.

Furthermore, we ask that alternatives to an economy, which judges its health solely by the degree of its growth, be developed. We live in a finite system and we can't keep growing forever or there will be nothing left of the untouched landscape. As Edward Abbey put it, 'growth for the sake of growth is the ideology of the cancer cell.' This is especially true if growth takes place in industries which pollute, or cover the landscape, or use finite resources or create waste.

That quotation—"growth for the sake of growth is the ideology of the cancer cell"—refutes the basic arguments for proceeding with this costly experiment more tellingly than anything I have said in this entire speech.

Today, we are asked to finance the beginning of a potentially dangerous program that is certain to multiply astronomically.

I would like to point out that I am saying "potentially." The questions of ecology have not been determined with finality on either side of the question, but if past history with such projects is any guide, once we are underway with the SST, the course will be irreversible. Obviously we are already underway. Obviously the Senate, in a preceding decision, said, "No." Now the time has come when we must reaffirm that prior decision and say "No" to the entire conference report, most of which I would like to take.

Mr. President, at a time when our economy is sick and our Government says it cannot find the resources to meet basic human needs of our people, any idea that the SST represents the "winged victory" of our times is a cruel delusion.

The truth is, that to proceed with this costly gamble would be a tragic defeat for our good sense as a people and our true priorities as a civilized Nation.

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

Mr. HUGHES. I am happy to yield.

Mr. PROXMIRE. On page 26 of the Senator's speech he says:

Both of these unemployment problems can be solved—by better management of the economy, by increased spending in non-military sectors where there are pressing needs, and by imaginative programs of retraining and conversion of industry to peacetime pursuits.

Is it not true that just yesterday the President of the United States vetoed the manpower training bill that the House and the Senate passed?

Mr. HUGHES. That is absolutely correct.

Mr. PROXMIRE. Is it not true that that veto will do infinitely more harm to the long-term solution of our unemployment problem than any number of projects of this kind can go good?

Mr. HUGHES. That is certainly the opinion of this Senator, and, as a strong supporter of that piece of legislation, I was not only surprised but I was also depressed that the President selected that piece of legislation for a veto. I think that there are many ways in which we can direct the resources of our Nation to face the problem of unemployment, other than those being promoted in this particular project, that will be much healthier for the country.

Mr. PROXMIRE. So the answer, when we always come back to a military program or a space program of this kind—to wit, that people will be thrown out of work—is not that we have to go on and on and on regardless of the merits of programs that cannot be justified. We should proceed to imaginative and effective manpower training programs of the kind that we passed and the President has vetoed; is that not correct?

Mr. HUGHES. That is absolutely correct. The Senator from Wisconsin is right, as usual, in this matter.

Again, the opportunities that are before us as a Nation in making the right decisions and going in the right direction, without being forced into narrow alleys such as this particular object, are wide open. There are many things we can do to face the problems that we face. This is one thing, in my opinion, that holds such a high potentiality for destructibility in many areas that it should not be undertaken at this time.

Mr. PROXMIRE. At another point in the Senator's speech, on page 28, he says:

Our government had better subsidize development of planes of greater commercial value including those for shorter takeoff or vertical takeoff. If we forget these, someone else will steal the market.

I have mixed feelings about that remark. I am not sure we should subsidize commercial planes at all. The supersonic transport is a new departure. But I would wholeheartedly agree with the Senator from Iowa that if we are going to subsidize any plane, and get into this at all, we certainly should seek to solve the principal problem we have in this country, which is getting people over relatively short routes. We make no effort toward solution there at all—or for providing a solution to the painful and onerous problem, in most cities, of getting from downtown out to the airport.

It is my understanding that a day or two ago there was a story published which disclosed that NASA is engaged in research on a new subsonic plane that would fly about 150 miles an hour faster than the present subsonic jet, which would be just barely below the speed of sound, 650 miles an hour, and would have great efficiency and none of the pollution, radiation, or noise problems that the supersonic transport involves, but would provide a very quiet and even ride.

Although I am opposed to NASA getting into this kind of thing, at least without our knowing about it—I read about it in a newspaper, and I have talked with many Senators who are on either the Armed Services Committee or the space committee who knew nothing about it, and should know about it—that would be far more sensible, if we are to subsidize commercial aviation, than to go into this SST area where we have such an environmental nightmare.

Mr. HUGHES. As the Senator knows, or will know if he checks back, the statement he read from my speech was a quotation from a telegram from a citizen of Iowa, living in Muscatine. It was not my opinion.

The question of subsidization of the industry itself is one on which I agree with the Senator. It is a very questionable procedure. And the Senator is absolutely correct, in my opinion, in what he says about subsonic flights and the higher potential they hold.

But that is not the issue before us. I guess we cannot hold up alternatives to the issue before us. But we can discuss the priorities and decisions.

Mr. PROXMIRE. There is another part of the Senator's speech that I should like to question him about, on page 29, where he said:

I do not like to oppose this conference report, since it does provide urgently needed funds for many vital programs.

He goes on to list some of the vital programs for which money is provided.

This is a most useful and helpful observation on the part of the Senator from Iowa, because that point has not been made by any other speaker, and it should be made.

The way it strikes me is that we are put in a very unfair position, if we have to vote on the conference report. Many of those who are strongly opposed to the SST would reason that, after all, this measure does contain essential money for airports, essential money for highways, and essential money for many other transportation problems; and, as the Senator from Iowa has pointed out, essential money, indeed, for safety. Under these circumstances, I would think that there would be every likelihood that the Senate would approve the conference report with a very heavy heart.

I think the point the Senator from Iowa and I are trying to make here is that we should not and must not be put in that position. The Senate majority has clearly indicated its opposition to funding the SST. We certainly should have a right to expect the conferees and the Appropriations Committee to reconsider this matter, take these funds out, and submit a bill without the SST funds.

Mr. HUGHES. The Senator from Wisconsin is absolutely correct, as I pointed out in my statement. I would also like to point out that probably there is no other group of 100 citizens in America that travels any more than we do by air. We have a chance to observe the conditions of air flight commercially in traveling throughout this country and the congestion about the major airports.

As to the question of altitude controls, every time I approach an airport under instrument conditions in bad weather, I am extremely nervous, as I would imagine almost everyone is who has any knowledge about flight capabilities and airport congestion.

There is already so much that needs to be done in handling the traffic already existent, that I strongly support those aspects of the conference report. Money for some of that research is actually in the conference report, and the question of having to vote against the entire report because of this $210 million leaves many of us with a very heavy heart indeed.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. The distinguished Senator from Rhode Island has inquired if I could yield to him to present a conference report. May I do that without losing my right to the floor?

The PRESIDING OFFICER. If the Senator asks unanimous consent to yield without losing his right to the floor, he may do so.

Mr. HUGHES. I present to the Chair, then, Mr. President, a unanimous-consent request to yield to the distinguished Senator from Rhode Island for that purpose without losing my right to the floor.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HUGHES. The Senator from Iowa, then, would like to talk for just a moment about another problem that has been posed by the development of this particular project.

Mr. President, we face a real dilemma if we continue with the SST. Either we will condemn ourselves to frequent sonic booms, or we will have an inefficient, fuel-gulping plane that will add to our air pollution. Either noise pollution or air pollution—we can not escape the problems.

What would the sonic booms mean? William A. Shurcliff explained in his book, "The SST and Sonic Boom Handbook":

> If overland supersonic flight is permitted, 500 million persons in America, Europe, and Asia may be jolted every hour, day and night, by sonic booms from hit and run SSTs. . . . Surgeons performing delicate operations will be startled, and their instinctive reflex reactions may cause permanent harm to the patients. The very elderly, the real young, and the ill will suffer more than other persons. . . . In the USA alone, the damage done to glass, plaster, and other materials may amount to $3,000,000 per day. For the aviation industry to make just and prompt payment for the damage done to buildings is impractical and for it to make adequate payment for the harrassment to people is inconceivable. Aviation, instead, of being man's servant, would be his scourge.

If we forbid flights causing sonic booms, then we have to face the problems outlined by Russell Train, the Chairman of the President's Environmental Quality Council:

> Operation at subsonic speeds, including takeoffs and landings, results in inefficient fuel combustion with a resulting heavy discharge of pollutants in the atmosphere. This result then of banning overland supersonic flights and forcing the SST to fly subsonically for service to inland cities, means that we would be exchanging excessive sonic booms for excessive air pollution.

The only way to escape this dilemma, Mr. President, would be for us to vote down the conference report once and for all, and thus reaffirm the original Senate position in relationship to this problem.

Mr. President, one frequently made argument for the SST is that we will be left at the starting gate by the British, French, and Russians. I think that an article in Wednesday's Washington Post puts that argument in serious question. The article says that British and French Aviation Ministers on Tuesday decided to stop further production of the Concorde SST until the commercial future of such planes is clearer.

The article to which I have referred may already have been placed in the RECORD, but I think it ought to be read for the benefit of those Senators who are present today. It is dated London, December 15, and is entitled "Plan To Build Four Concordes Is Deferred."

The article reads:

PLAN TO BUILD FOUR CONCORDES IS DEFERRED

> The British and French ministers responsible for the Concorde supersonic jet projects refused today to authorize production of four more aircraft until the commercial future of the $2-billion project is clearer.
>
> At a meeting here, Frederick Corfield, British Prime Minister of Aviation Supply, and Robert Calley, France's Minister of Posts and Telecommunications, deferred the expected decision to build more Concordes—probably until spring or summer of next year.
>
> This negative decision is bound to send a shiver of anxiety through aircraft industries. The British Aircraft Corporation alone has 8,000 men working on the project since it had been widely expected that they would give the go ahead to build the next four aircraft. Six of the aircraft already have been built, or are under construction.
>
> [The U.S. supersonic transport plane, the SST, survived another test yesterday when the House approved a transportation appropriation bill that includes $210 million for the SST this year. The bill now heads into an expected filibuster in the Senate.]
>
> The British Government was at pains today to emphasize that the ministers held a "constructive" meeting and, by implication, that one should not draw sinister conclusions.
>
> The ministers had simply agreed, a Government spokesman said, that there is no point in committing the taxpayer to production expenditure that could be avoided until the aircraft's commercial future was clear. Some materials, which take a long time to deliver, have already been ordered for the additional aircraft.
>
> The airliner's commercial potential will be discussed again at a ministerial meeting in February. Another meeting will be held in March.
>
> Today's meeting "noted the satisfactory progress of flight tests, including the achievement of flight at twice the speed of sound by both prototypes," and the "encouraging nature of the results of the Mach 2 tests so far."

Mr. President, opponents of the SST are not liberals, or conservatives—they are just sensible. Highly respected men, who otherwise firmly support the present administration, nevertheless are vigorous opponents of the SST. Consider these quotations:

> If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built.

That comes from Prof. Milton Friedman of the University of Chicago.

> The proponents of the project have the burden of proving that it will not adversely affect the environment. If they can't—if it's a "Bad thing"—I would not only want to stop development, but I would want to prevent similar foreign planes from landing in the United States.

That statement of opposition to the SST comes from the man who will soon join us as the junior Senator from New York, Mr. JAMES BUCKLEY.

Another commentator, James J. Kilpatrick of the Washington Evening Star, called the end of the SST "a small step for mankind." He wrote:

> It is not often, sad to say, that mankind wins a round in the unending struggle to preserve a decent quality of life. Ordinarily, in the holy name of progress, we advance headlong to the rear. But the Senate's action last week in halting further development of a U.S. supersonic transport plane is a victory that warms the heart.

Mr. President, I believe that we should preserve that victory, that small but significant step for mankind.

I ask unanimous consent to have the entire article printed in the RECORD.

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

END OF THE SST: A SMALL STEP FOR MANKIND

It is not often, sad to say, that mankind wins a round in the unending struggle to preserve a decent quality of life. Ordinarily, in the holy name of progress, we advance headlong to the rear. But the Senate's action last week in halting further development of a U.S. supersonic transport plane is a victory that warms the heart.

A number of my fellow conservatives, notably James Burnham of National Review, will not agree with that appraisal. Some of the ablest Members of the Senate, among them Jackson of Washington and Goldwater of Arizona, were bitterly disappointed by the 52–41 vote. President Nixon terms the SST's defeat a "devasting mistake."

With deference, and with regret for the economic hardship the Senate's decision will cause in certain areas, it has to be said that the Senate acted wisely. One further step should be taken, in the form of legislation barring foreign-built SSTs from the use of American airports. When that is done, this whole unfortunate misadventure will collapse.

The arguments in favor of continuing the project were persuasive, but they were never convincing. It was said that the taxpayers eventually would get their money back in royalties upon the sale of 300 to 500 SST's over the next 30 years. It was urged that American prestige was at stake. Failure to proceed, we were told, would mean a surrender of aircraft leadership (not to mention the balance of payments) to Russia, France, and Great Britain.

On close examination, none of these arguments held up. There never was solid evidence that the airlines themselves were in any mad rush to buy the SST. It always was a doubtful proposition that Western carriers would invest in Soviet-built aircraft, and thus become dependent for spare parts upon Communist whim. Important elements of public opinion in both France and Great Britain have begun to demand a cessation of the Concorde development.

Yet these were not the issues on which the battle turned. In the end, the dominant consideration—the factor that caused an astonishing 18 Senators to reverse their own positions within a year—was the quiet question that so seldom is asked: Would this project improve the quality of our life? The answer, plainly, was no.

What was involved in the prospect of a supersonic transport plane? Noise, for one thing—the ear-shattering noise of this plane on landing and takeoff. And despite the frantic rash of denials, regulations and amendments, Senators could look down the road to the economic necessity of permitting flights over land at supersonic speeds; they could see millions of Americans subjected to the annoyance and the property damage caused by recurring sonic booms. All this, so that a relatively few air travelers could gain the convenience of additional speed. It never made sense.

With the Senate's action, it may now be possible for the airline industry to concentrate upon quieting and perfecting the present generation of subsonic aircraft. Perhaps the Congress, as it studies the whole problem of transportation, may now direct its attention to more urgent needs, benefiting far more taxpayers, here on our crowded earth.

But the greater significance of the SST's demise lies in the hope this action has generated: Perhaps the quiet question will now be asked in other fields. Will the construction of a particular freeway in Memphis really improve the quality of life in Memphis? Will the drilling of particular off-shore oil wells, or the construction of particular polluting factories, truly contribute to the well-being of America? What of the marvelous computers and the data systems that invade our privacy? Are these necessary? Really necessary?

Maybe, just maybe, the Senate's vote marks a turning point. For a long time now, we Americans have been running up the escalator, frantically seeking more speed, more power, more noise, more trash, more smog, more gadgets, but in terms of the quality of our life we have damned little to show for it. We don't have to go back to the horse and buggy, but surely we can get along for a while with the jumbo jet.

Mr. HUGHES. Mr. President, the SST raises many questions of national priorities, but it also raises the very important question of priorities in air service. I have said that the many will pay for this plane which only the few will fly. When we look at the condition of air service in this country today, I think it is clear that, instead of helping people to get from New York to Paris even faster, we should take measures so that people will be able to get around our own country better.

The fact is, however, that air line service is being reduced. An article in Wednesday's Wall Street Journal points out that the number of departures from the 1,000 busiest domestic markets is over 3-percent lower this year than last. And the Air Transport Association says that figures being developed now will likely show a further substantial decline.

The article also mentions Iowa City, which has been without its own air service since last June. There are many places like Iowa City which have been deprived of all regularly scheduled air service in recent years. Many other cities have seen reductions in the amount and quality of service. Before we start paying hundreds of millions of dollars to speed up the flights between New York and Paris, we should spend funds to guarantee adequate service for the people who want to fly between Iowa City and Peoria, and between Kenosha and Green Bay.

The pending conference report, I am happy to say, contains $50 million for payments to air carriers so that they can continue to provide some service. I do not know how much would be required for fully adequate service. But I do believe that we should put a much higher priority on improving domestic service and on improving the safety conditions of our existing airports before we throw more money after the SST.

I ask unanimous consent that the article I mentioned from the Wall Street Journal be included in the RECORD at this point.

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

FLIGHT CANCELED: AIRLINES TRIM SERVICE TO MANY COMMUNITIES AS INDUSTRY SUFFERS WORST YEAR IN HISTORY

(By William R. Galeota)

In the airlines' war to cut their losses, James Bitonti, general manager of the International Business Machines Corp. plant at Oswego, N.Y., is one minor casualty.

When Mr. Bitonti arrives in New York City from the West Coast late at night, he finds he has to stay overnight in the city or drive 175 miles to his upstate home. The last flight from New York City to Broome County Airport in Binghamton, N.Y., near his home, now is scheduled for 9:15 p.m. There used to be a 10:15 flight, but Mohawk Airlines eliminated it last February. (At the moment, there are no flights at all. Mohawk is struck.)

In all, the number of major airline flights coming in and out of the Broome County airport has dropped to 23 today from 36 in 1965 and 29 a year ago as the airlines have cut back on their less profitable flights. But Mr. Bitonti is resigned to the decline in service. "It's wrong to think that airlines can function constantly with flights that are loss leaders," he says.

That's the kind of positive attitude that airline executives like to see. They certainly can't operate with loss leaders, they say, especially this year, the worst in the industry's history. And so, even though most passengers curse rather than commend the moves, airline officials are carefully going over their schedules to prune stops or whole flights that have been splashing red ink over their books.

"NO CHOICE," SAYS SPOKESMAN

All told, the Air Transport Association says the number of departures in the 1,000 busiest domestic markets dropped to 9,800 this Nov. 1 from 10,140 a year earlier. And the trade group believes cutbacks in less heavily traveled markets may have been even more severe. "Unless the economic health of the industry improves the carriers won't have any choice but to continue cutting flights," an association spokesman adds.

The most publicized attempt to reduce service came earlier this year when American, Trans World and United Airlines, the three largest domestic carriers, worked out a plan to cut the number of flights between 15 pairs of cities. The Civil Aeronautics Board, however, rejected the plan last month, though it allowed the airlines to work out some more limited agreement confined to a few major routes, such as New York-Los Angeles.

The chances that the carriers will adopt the kind of agreement the CAB is willing to accept, however, seem slim. Among other things, the six months the CAB would allow the agreement to run is considered too short to have any appreciable effect on losses, some airlines contend. George E. Keck, president of United, recently said unilateral action seems the more likely course."

Unlike agreements between carriers to limit capacity, unilateral cutbacks in service frequencies don't require CAB approval unless they involve cutting out cities altogether.

OPERATION CLEAN SLATE

TWA's cutbacks are typical. As part of its "Operation Clean Slate," which set up a new domestic schedule from scratch, the airline chopped its daily departures to 823 from 898 on Oct. 25. Among the flight segments eliminated were some between Indianapolis and St. Louis, Pittsburgh and Kansas City and Las Vegas and Los Angeles. The percentage of seats occupied on those three segments had been less than 15%.

During the first two months of 1971, TWA is planning to cancel 10 more daily round-trips and to put 707s into use in place of 747s on four other round-trips. Melvin A. Brenner, vice president for marketing and planning, says he hopes TWA's financial condition will improve enough that further cuts won't be necessary.

TWA, which estimates it will lose $60 million to $65 million this year, is facing a grim traffic picture on its domestic routes, which account for about 62% of the airline revenue. Its domestic traffic, including Hawaii

business, is off about 2.5% this year from 1969. Discounting Hawaii, TWA's traffic within the 48 states is off 4.3% from 1969.

THE DC3 ERA

United, the nation's largest carrier, has cut the number of its daily departures to 1,649 as of Nov. 1, down from 1,918 a year earlier. The airline's daily flight from Providence, R.I., to Chicago, for instance, used to have four intermediate stops. Some months ago the number of stops was cut to one. Now it's a nonstop flight, and passengers who used to board at or were bound for Hartford, Cleveland, Fort Wayne or South Bend must make other arrangements.

In some cases, decreases in service apparently haven't seriously inconvenienced air travelers. United, for example, says it cut its total departures mainly by chopping off intermediate stops on short-hop flights that "dated back to the DC3 era."

In one such case, the airline eliminated stops at Saginaw, Mich., from flights between Chicago and Flint, Mich. Saginaw and Flint are only 30 miles apart, and "nobody ever flew just from Flint to Saginaw anyway," a United manager there says.

But when a carrier receives CAB approval to eliminate a city completely from its routes, leaving it serviced only by so-called "commuter," or "air taxi" lines, the action can strike a severe blow at the city.

Frontier Airlines last April suspended service to Williston, N.D. (pop.: 12,500) and seven nearby cities in Montana. John W. Snyder, mayor of Williston, says shipments to local florists and oil-well service firms had to come by bus, taking a day or two longer than by air, because of the limited air freight capacity of Apache Airlines, the air taxi line that took over service to the city. Moreover, Mr. Snyder asserts, the local citizenry fretted that the heating systems in the 15-to-18-passenger Apache planes wouldn't stand up to the frigid Montana winters.

But they never got a chance to find out. In October, Apache turned the cities back to Frontier, after losing an estimated $300,000 in six months on the routes. 'It was a bummer" George F. Dembrow Jr., president of Apache, says flatly. He charges that Williston city fathers wrecked Apache's efforts by staging an informal boycott of the line in hopes of getting Frontier back. (The CAB allowed Frontier to get out of Williston and the other cities on the condition that Apache could keep up service there.) Mr. Snyder denies the charge.

But Williston's problems aren't quite over. Frontier currently has only two flights a day to the city, half as many as before; and residents can't any longer make connections with a flight from Minot, N.D., to the Twin Cities. They must drive the 125 miles to Minot, or take a bus that comes only once a day.

WORRIES IN IOWA CITY

Not every suspension of service works out that badly, of coures. H. P. Thies, president of the American State Bank in Great Bend, Kan., says that city of 19,000 has had "better service to Kansas City" and "more frequent flights" since Frontier turned Great Bend over to Air Midwest this fall.

Air Midwest, an air taxi service that had previously served the city along with Frontier, "picked up everything" when that line left, says Jick Pickett, vice president of Air Midwest. The line boarded 340 passengers in Great Bend this November, up from 224 in August, when both lines flew there, and up from 148 in November 1969.

Even when losing air service doesn't hurt now, it can leave a city wondering about its future. Businessmen in Iowa City, Iowa, for example, say they haven't minded driving 18 miles to the Cedar Rapids airport since Ozark Airlines stopped serving Iowa City in June. But Elliott D. Full, a member of the Iowa City Airport commission, worries that because air service is gone local taxpayers will decide to sell the airport as real estate.

This would give Cedar Rapids a major advantage over Iowa City in attracting new businesses, he says: "Out here, we find that an airport is extremely essential to getting and holding businesses. In the Midwest, any company worth its salt has one or two or three private planes."

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator yield for a privileged motion?

Mr. HUGHES. If the Chair informs the Senator from Iowa that he can yield without losing his right to the floor, the Senator from Iowa will be happy to yield.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Iowa may yield, without losing his right to the floor, for a privileged motion.

The PRESIDING OFFICER. The Senator has a right to yield.

CLOTURE MOTION

Mr. SCOTT. Mr. President, on behalf of myself and the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, we hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755.

The PRESIDING OFFICER. Will the Senator send the cloture motion to the desk so that it may be read?

Mr. SCOTT. Yes.

The PRESIDING OFFICER. The clerk will read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and related agencies.

HUGH SCOTT, BARRY GOLDWATER, NORRIS COTTON, HENRY M. JACKSON, GORDON ALLOTT, J. CALEB BOGGS, HENRY BELLMON, TED STEVENS, LEE METCALF, WARREN MAGNUSON.

MIKE GRAVEL, GEORGE R. MURPHY, JAMES B. PEARSON, EDWARD W. BROOKE, HOWARD H. BAKER, JR., ROBERT DOLE, CHARLES MCC. MATHIAS, JR., PAUL FANNIN, DANIEL INOUYE.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2102) for the relief of Percy Ispas Avram.

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. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. ABERNETHY, Mr. FUQUA, Mr. CABELL, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. HARSHA were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FOUNTAIN, Mr. ADAIR, Mr. MAILLIARD, and Mr. FRELINGHUYSEN were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2162. An act 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;

S. 2336. An act relating to the parishes and congregation of the Protestant Episcopal Church in the District of Columbia;

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, 1971, as "National Employ the Older Worker Week";

S.J. Res. 172. Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May 1971 as "Clean Waters For America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June, 1971, as "Father's Day";

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"; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of the United States of America-Analysis and Interpretation of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

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, will the Senator yield?

Mr. HUGHES. I yield.

Mr. PROXMIRE. Mr. President, the Senator has read a very significant article. I noticed that, too. I think it is most important that Senators be aware of it.

The strongest argument made in the House of Representatives, and I think perhaps here, is that if we do not proceed with the supersonic jet, somebody else will. It is said that if we do not proceed with it, the British and French are dying to get into the act. They are proceeding with great success, they say; they will be ahead of us and will take away the market.

What the Senator has read into the RECORD is the assertion that "British and French ministers responsible for the Concorde supersonic jet project refused today to authorize production of four more aircraft until the commercial future of the $2 billion project is clearer."

There has been a great deal of speculation as to whether adverse action by Congress on the SST would spur the British and French to go ahead more rapidly or would encourage them to drop it, on the ground that they did not have to worry about competition from us. It seems to me that this is the clearest kind of indication that, because of the hesitancy on the part of the U.S. Senate, because we did vote against the SST, because even if it passes this year, if it passes with a reduced appropriation——

Mr. HUGHES. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROXMIRE. Because it is clear that it will be much harder to get the SST approved in the future—for all these reasons, the tentative, partial decision on the part of Congress perhaps to hold up funds on the SST has had the effect not of encouraging British-French action on the Concorde SST, but of discouraging it.

Can the Senator from Iowa explain to the Senator from Wisconsin what his view is of the term "until the commercial future of the project is clearer?"

Mr. HUGHES. I think the Senator has raised significant questions with respect to these two nations, with which we feel we will have to compete in the future in SST programs. After building the prototypes and after early flight tests, they now find themselves facing a question of whether there is a future for this type of aviation. In fact, they have raised the question themselves and have brought about a delay in their own program.

In fact, that would reinforce the position already taken by the Senators from Wisconsin and other Members of the Senate who have spoken against this project, that there is a real potential question about the future of commercial aviation in these areas, a question that has now been recognized by England and by France. That reinforces all the more the position of the questions asked here today.

Mr. PROXMIRE. It is my understanding that the majority leaders wants to speak, and before he does so, I should like to make this observation.

Today, we have been speaking on the supersonic transport and on the conference report. I think every Senator would have to agree that every bit of our debate has been pertinent and relevant. There have been no live quorum calls. We have a number of Senators anxious to speak tomorrow, more than we can accommodate—at least, for the length of time they want to speak. Under these circumstances, for us to have a cloture motion filed, with a vote on Saturday, before Senators even have a chance to speak on this matter, with no delaying tactics, while we are speaking to the point and raising issues that have not come before the Senate before, it seems to me would make a mockery of the esteemed reputation of the Senate as a place where debate is not cut off, where full, germane debate is possible. It would mock that tradition, in which most of us believe.

I would hope that Senators would vote against the cloture motion, on the basis of the fact that we really have not had a chance to state our case.

Mr. HUGHES. I thank the Senator from Wisconsin for his comments.

The Senator from Iowa has been one who would have voted for cloture under almost all circumstances. Under the circumstances existing today, the Senator from Iowa finds himself in a position of having to vote against it and will reluctantly do so.

But I appreciate the contributions and the sharing of thoughts of the Senator from Wisconsin.

I yield the floor.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, under the agreement of yesterday, Calendar No. 1443, H.R. 17550, be laid before the Senate and be made the pending business.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Is there objection?

There being no objection, the Senate proceeded to consider 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.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Under the previous order, the distinguished Senator from Delaware (Mr. WILLIAMS) is now recognized.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Delaware yield to me for a few observations and taking care of some unobjected to items on the calendar, without the Senator losing his right to the floor or any of his time?

Mr. WILLIAMS of Delaware. I yield.

AUTHORIZATION ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Rhode Island (Mr. PELL) 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. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

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

The PRESIDING OFFICER. 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 16, 1970, pp. 41978–41979, CONGRESSIONAL RECORD.)

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

The motion was agreed to.

FOREIGN ASSISTANCE APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I asked the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 791.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate House Concurrent Resolution 791, which was read as follows:

H. CON. RES. 791

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of 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, is authorized and directed—

In respect to the amendment of the Senate numbered 19, restore the matter stricken by said amendment, except the amount of "$272,500,000" and insert in lieu thereof "$200,000,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 791) was considered and agreed to.

PRESIDENT'S VETO MESSAGE ON S. 3867

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the veto message on S. 3867, the Employment and Training Opportunities Act of 1970, now at the desk, be referred to the Committee on Labor and Public Welfare, and that the message be printed as a Senate document.

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

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the previous request I made—which was made due to a misunderstanding—to refer the veto message on S. 3867 from the President of the United States to the Committee on Labor and Public Welfare be vitiated and that the message remain at the desk temporarily.

Mr. JAVITS. Mr. President, I do not want to press the Senator at all, but does he have any idea what his plans are?

Mr. MANSFIELD. I do not.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 1444, 1445, 1447, 1449, and 1451.

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

LEAD-BASED PAINT POISONING PREVENTION ACT

The Senate proceeded to consider the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paints in Federal or federally assisted construction or rehabilitation which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based poisoning.

(b) The amounts of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with workable programs for community improvement referred to in section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in all Federal construction and rehabilitation, after the date of the enactment of this Act, of any residential building or dwelling, with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) and combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $7,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $13,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $3,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972. Any amounts authorized for the fiscal years 1971 and 1972 but not appropriated may be appropriated for the fiscal year 1973.

Passed the House of Representatives October 5, 1970.

Attest: W. PAT JENNINGS,
Clerk.

Mr. YARBOROUGH. Mr. President, the lead-based paint poisoning bill which is before the Senate for consideration will prove to be one of the significant health bills passed in this Congress. As a cosponsor of S. 3216, the bill which was introduced by Senator KENNEDY and 19 other Senators—of which I am one—to deal with lead-based paint poisoning, I would like to congratulate the senior

Senator from Massachusetts for his diligent work in this field.

The actual text of the bill before us is the language of S. 3216, which has been substituted for the language of H.R. 19172 which passed the House. As reported from the Labor and Public Welfare Committee, the bill would provide $24,500,000 for each of 3 fiscal years, beginning in fiscal 1971. This money would be allocated on the basis of $7,500,000 for grants to local communities for detection and treatment of lead-based paint poisoning; $13,500,000 for the elimination of lead-based paint poisoning; and $3,500,000 for a demonstration and research program to determine the nature and extent of the problem and discover the best methods of eliminating lead-based paint.

The authority for the Federal program is concentrated in the Department of Health, Education, and Welfare, with the exception of the demonstration and research program carried out by the Department of Housing and Urban Development. This is significant, as committee testimony pointed out that such a program is more effective on the local level if it is handled by one agency to provide a coordinated attack of the problem of lead-based paint poisoning.

It should also be pointed out that the committee considered thoroughly the problems presented by balancing the priorities of protecting our children without being unduly restrictive on the use of lead-based paint where there was no substitute for its unique qualities of rust prevention. The committee adopted language relating to the use of lead-based paint on "interior surfaces, porches, and exterior surfaces to which children may be commonly exposed."

This bill is of major significance in protecting the 400,000 children who may be poisoned annually, almost 200 of whom die. Between 12,000 and 16,000 are treated and survive.

Half of those children who become victims of lead intoxication during a given year sustain a permanent handicap. Many of the survivors suffer irrevocable brain damage, and consequently are left mentally retarded. In addition to those with impaired intellectual facilities, others will die during young adulthood due to kidney damage resulting from lead poisoning during their childhood.

Lead poisoning is a silent, yet sinister, epidemic afflicting many of America's children between 1 and 6 years of age. The problem has been identified—its cause and cure are no longer a mystery and yet the elimination of lead poisoning has not yet been accomplished.

There is a clear and present need for meaningful remedial and preventive action, and this bill is designed to answer that need. We must recognize that any further delay will result in the physical impairment, mental retardation, and death of children affected by the disease. I beseech each of my colleagues to offer their support for the lead-based paint poisoning bill which is before us today. We have a responsibility to protect the health of America's children by providing the safe, decent, and nontoxic surroundings that they deserve.

Mr. KENNEDY. Mr. President, I am personally gratified that H.R. 19172 is the focus of Senate business for today. The very distinguished chairman of the Committee on Labor and Public Welfare has been particularly effective in working for Senate approval of the Lead-Based Paint Elimination Act, and I am grateful for all that he has done on this piece of legislation.

When I introduced that measure last December, the 19 cosponsors who joined me agreed that lead based paint poisoning is a health hazard that needlessly threatens the lives of too many of our Nation's children.

More than 1,500 children in Boston have been estimated to be lead sick. Across the Nation, there may be as many as 400,000 young children who should be treated for this tragic disease.

Lead poisoning is sometimes called the silent epidemic, because lead is found in the walls of homes that were built over 30 years ago. It poisons the tiny bodies of young children who swallow paint and plaster chips from the walls of deteriorating houses that today make up our big city slums.

The tragedy is that too often even when parents know their children eat paint chips, they do not know it is a dangerous habit. Sadly, thousands of youngsters grow up mentally and physically retarded because of lead poisoning.

Medical officials told those of us on the subcommittee on health in hearings on this bill, that this disease is not only curable but it is also preventable. Lead based paint poisoning occurs because man has polluted his environment. We know that with proper action lead poisoning can be eliminated. It is my hope that with the approval of this measure, our public health systems will begin to organize and finance community programs that will remove the hazards of lead based paint poisoning.

The features of H.R. 19172 will provide significant advances in the continuing struggle to guarantee adequate health protection for the youth of America. This bill is designed to develop programs that will seek out victims of lead poisoning, and treat them. It will also remove from exposure the dilapidated conditions that caused the disease in the first place.

I am hopeful that with favorable Senate action on this measure today, the health departments of our major cities will soon be able to launch effective attacks on this menace to our Nation's children.

Mr. JAVITS. Mr. President, I urge my colleagues to support the Lead-Based Paint Elimination Act of 1970, H.R. 19172, and thus establish a national commitment to seek to eliminate a man-made preventable disease—lead based paint poisoning—which causes illness, brain damage and death among children.

I do not believe we presently have sufficient legislative authority to combat childhood lead poisoning and the additional measures contemplated by this bill are urgently needed if we are to prevent and eradicate this insidious disease.

About 200 children die from lead poisoning each year and approximately 16,000 children annually are treated and survive, but sadly, half of these are left mentally retarded. It is estimated that as many as 400,000 children may be poisoned each year, but due to inadequate detection and diagnosis, the true count of lead intoxication is not known. Any incidence of lead sickness is alarmingly high, because there is no reason for lead poisoning to threaten children's lives.

In New York City the health department now estimates that a "silent epidemic" of lead contamination may affect as many as 25,000 slum children. In Rochester, N.Y., there are reports that about 7 percent of that city's preschool children are poisoned by lead.

Modern medical technology guarantees that properly diagnosed cases can be successfully treated and cured and significantly reduced. What is lacking though, is awareness of the problem. Both in the general public and in the medical community, education about this problem must be stressed. The tragedies of lead poisoning and the hesitancy to diagnose it, are too often due to the failure to be alert to its presence.

I am convinced that increased efforts to eliminate the hazards of lead based paint poisoning can yield effective results in the assault on childhood lead poisoning.

Thus, it is important that we pass this bill today, allow the conferees to work out the differences between the Senate and House bills, and speed the bill to the President.

The amendment was agreed to.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1432), 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 H.R. 19172 is to eliminate lead-based paint poisoning, by encouraging cities and communities to develop local programs eliminating the causes of such poisoning.

The bill would achieve its purpose by giving grants to local governments for the detection and treatment of lead-based paint poisoning and similar grants to eliminate lead-based paint where it poses a health hazard. These programs would be administered by the Secretary of Health, Education, and Welfare.

A demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States would be administered by the Department of Housing and Urban Development. The program would also include a determination of the methods by which lead-based paint can most effectively be removed.

BACKGROUND

The problem of childhood lead poisoning caused by the ingestion of lead-based paints has reached epidemic proportions in most of our large cities. The high incidence of lead poisoning is of particular concern to young children living in the "lead-belts" of our city slums. It has also been reported in children from economically and socially advantaged homes. The accessibility to flaking or peeling

lead-based paint and to broken plaster, along with the lack of knowledge among parents that ingestion of such substances is dangerous and even lethal, is responsible for lead poisoning. The situation is aggravated by a high incidence of pica which is an appetite for nonfood items such as dirt, paper, paint, and plaster in young children.

Generally, buildings constructed prior to World War II, more than 30 years ago, are the prime source of lead-based poisoning today. As these buildings deteriorate, peeling paint and falling plaster become easily accessible to young children. The occupants of such housing are largely low-income families, many with large numbers of children. Although lead has generally been replaced by titanium in interior paints, children who eat the chips of paint and plaster from pre-World War II housing are affected by those earlier applicatons of lead-based coatings.

Estimates of the number of children across the Nation who may be lead sick run as high as 400,000 per year. About 200 children die from lead each year, with 2-year-olds accounting for more than 50 percent of those deaths. While annually 12,000 to 16,000 children are actually treated for lead poisoning and survive, half of these children are left mentally retarded. This kind of brain damage cannot be reversed by treatment.

Medical experts have stated that even with early diagnosis by the physician and routine laboratory tests it is exceedingly difficult, if not impossible, to arrest the damage that can be caused by lead poisoning. The only means available to the medical community today is the prompt elimination of this manmade environmental hazard.

A paradoxical feature of this insidious disease is the lack of attention it receives. Many parents are unaware of the dangers associated with the consequences of lead ingestion or of the sources of lead poisoning. In too many instances, physicians and other medical authorities fail to diagnose cases of lead poisoning, because children who are leadsick show signs that could be caused by a number of maladies. But because this is a relatively little publicized hazard that affects mainly poor children, it does not receive the kind of attention it deserves.

While the lifetime caretaking costs for a victim of lead poisoning may be as much as $250,000, the cost to remove lead painted surfaces from exposure to young children and to treat those children who are not yet suffering from acute lead poisoning is economically much cheaper and socially more beneficial. Estimates range from between $250 and $300 to completely remove lead paint from an average rowhouse to an estimate of $600 to $1,200 to replace window and door units and baseboards in such a house.

Lead poisoning is a kind of pollution, a man-made disease. It is part of modern society. It is a needless cause of mental retardation and death in young children. Health authorities believe communities need programs that encourage and support jobs for training, education and distribution of information in lead-based paint elimination efforts.

Committee witnesses testified that to prevent and eliminate this insidious disease there must be a vigorous campaign to resurface walls, cover ceilings and enforce housing and building codes to outlaw lead-based paints in new houses and in rehabilitated ones. Every high risk home must be deleaded.

There is also a critical need for programs that will permit local communities to take advantage of new treatment and detection techniques, to motivate parents, teachers, health aides, and others to become more aware of the problem; and to use available materials to remove lead painted surfaces from exposure.

In addition, there is a critical need for adequate medical and therapeutic care for those victims of lead poisoning who up to now have received no attention because no one is aware they are sick.

In Baltimore, Cleveland and Boston, up to 10 percent of preschool slum children may be lead sick. Neighborhood screening programs can seek out these children. In 1968, a Boston search turned up 98 victims from more than 800 children screened. Investigators searching for lead victims know that when they look they will find them. Every child who may be lead sick can be identified. With the aid of current medical assistance, proper treatment and therapy must be available to help those victims. In cases that are not too severe, lead intoxication can be completely cured with no aftereffects.

COMMITTEE CONSIDERATION

S. 3216 was introduced on December 5. 1969, by Senator Kennedy for himself, Mr. Anderson, Mr. Brooke, Mr. Case, Mr. Dodd, Mr. Eagleton, Mr. Goodell, Mr. Gravel, Mr. Hart, Mr. Inouye, Mr. Javits, Mr. McCarthy, Mr. Mansfield, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Tydings, Mr. Yarborough, and Mr. Young of Ohio. The bill was then referred to the Labor and Public Welfare Committee. H.R. 19172. a similar bill, was introduced by Mr. Barrett in the House on September 14, 1970, and passed the House on October 5, 1970. The committee is favorably reporting H.R. 19172 in the nature of a substitute, which consists of the amended language of S. 3216.

The Subcommittee on Health held a hearing on November 23, 1970, on lead-based paint poisoning. The subcommittee heard testimony from representatives of the U.S. Public Health Service of the Department of Health, Education, and Welfare; a representative of the American Public Health Association and the American Pediatrics Association; representatives of the National Paint, Varnish, and Lacquer Association; and officials of the Department of Public Health for the city of Boston, Mass.

While the testimony before the committee unanimously agreed that lead-based paint poisoning was a problem that should be dealt with, the representatives of the paint industry expressed their concern about prohibiting the use of lead-based paint where its unique rust-inhibiting qualities were needed.

While supporting the basic structure and intent of this bill, Mr. John M. Montgomery, general counsel, National Paint, Varnish and Lacquer Association stated:

"Some lead-bearing coatings still are used today—in structural steel primers, where they have unique value as rust-inhibiting agents, and in other exterior coatings for special uses. It is our hope that these proper uses of certain products of our industry will not be denied to the construction industry and to the public by overly restrictive language.

* * * * *

"The CHAIRMAN. I understand that the association you represent does not object to the basic structure of the Kennedy bill, to remove this substandard slum housing that was painted over 30 years ago with the lead-based paints, and now has developed to be exceedingly hazardous.

"Mr. MONTGOMERY. We do not, sir. We support these legislative proposals, and we feel that Federal legislation in this case would demonstrate a leadership on the part of the Government to assist the local communities and even the big cities, who are having the same financial problems; they simply can't cope with the problem themselves.

"And we see this type of legislation as being a big help to these communities, and to public health officials about the country, to assist in developing and implementing programs, both for detecting the presence of the lead on the walls, and for developing systems for eliminating this hazard, either by covering by plasterboard or some other system."

Typical of the concern of the paint industry is that expressed by Dr. John A. Zapp, director, Haskell Laboratory on Toxicology and Industrial Medicine on behalf of the Du Pont Co. in which he stated:

"As a supplier of paints in industrial, commercial, and consumer paint field, we fully support congressional intent * * * to prevent any health hazard to small children by eliminating lead-based paints from the child's environment. We suggest, however, that the established usefulness of lead-based paints to the Federal Government in such areas as structural steel, and in other areas where such paints are made inaccessible to small children by construction treatment should not be overlooked."

Dr. Zapp further suggested qualifying language on prohibiting the use of lead-based paint, as follows:

Provided, however, That such prohibition shall not apply to the use of lead-based paint on surfaces, the construction of which insures no possibility of access to children.

Although H.R. 19172 which passed the House prohibits the use of lead-based paints on "any building or structure," the committee feels that where lead-based paint may have unique qualities it should be able to be used so long as the lives of children are not in danger. For that reason, after conferences and consultation with Mr. Montgomery, as representative of the paint industry, the committee adopted substitute language relating to the use of lead-based paint on "interior surfaces, porches, and exterior surfaces to which children may be commonly exposed."

The committee, in its desire to prevent the health hazards to children from lead-based paint, is mindful of the statement by Dr. Jessee L. Steinfeld, Surgeon General of the Public Health Service, in his policy statement on the medical aspects of childhood lead-poisoning, when he stated:

"Today lead-based paint is still used to some extent for the exteriors of dwellings and this potential source of exposure to lead should not be overlooked."

The committee feels that the language in the reported bill (amended in the nature of a substitute) is consistent with the desire of the paint industry to utilize the unique qualities of lead-based paint in instances where it is inaccessible to children, yet maintain the intent of the committee that the health and lives of children are not subordinate to those unique qualities.

Because of the lack of comprehensive information on the extent of lead-based paint poisoning and because there is no universal agreement on the preferable way by which lead-based paint can most effectively be removed from existing buildings, the committee bill includes a provision for a demonstration and research program under the authority of the Secretary of Housing and Urban Development.

To prevent the occurrence of lead-based poisoning in the future, the committee adopted a provision authorizing the Secretary of Health, Education, and Welfare to take such steps and impose such conditions as may be necessary or appropriate in residential housing constructed or rehabilitated with Federal assistance.

Other than the provision for a demonstration and research program, which is under the authority of the Secretary of Housing and Urban Development in consultation with the Secretary of Health, Education, and Welfare, the bill places the authority for administering the Federal programs with the Secretary of Health, Education, and Welfare. During hearings, the committee had testimony favoring the administration of this program through one agency, rather than splitting the jurisdiction. Dr. Jonathan Fine, deputy commissioner, Boston Department of Health and Hospitals, stated:

"Speaking for our municipality, we think that dealing with only one Federal department would hopefully give rise to fewer

headaches. We have had much experience with Federal funds for a particular activity or program coming from more than one source, and unfortunately, often find different sets of guidelines, resulting in a great deal of confusion within the city, lack of coordination in implementation, and much delay that comes about, so we would prefer to see, if at all possible, funding through one Federal department."

AUTHORIZATION EXTENSION FOR PROGRAMS UNDER THE VOCATIONAL REHABILITATION ACT

The Senate proceeded to consider the bill (H.R. 19401) to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act.

Mr. YARBOROUGH. Mr. President, the bill before us, H.R. 19401, is a simple 1-year extension of the Vocational Rehabilitation Act. The 1-year extension makes no substantive change in the programs and it makes no changes in the levels of authorization. The authorized levels are the same for fiscal year 1972 as they are for 1971.

The purpose of the bill is to provide timely authorization for these programs in order that the States can also provide timely appropriations for their portion of matching funds.

The past success of vocational rehabilitation has been because States have been able to make use of advanced State allotments of the Federal programs. These allotments are computed on the basis of the figures of the authorizations in this bill. On the basis of these figures, States have been able to plan effectively for the orderly growth of their programs, and to appropriate the necessary State matching funds.

Almost all State legislatures meet early next year, in January or February of 1971, and they need the assurance of a continuing Federal effort in vocational rehabilitation. With this 1-year extension, we will be giving them that assurance, plus providing a basis on which they can compute their necessary matching appropriations.

Last year, State vocational rehabilitation agencies served approximately 870,000 disabled individuals and rehabilitated 266,975 persons. This number was the highest achieved in the history of the State-Federal program of vocational rehabilitation, and an 11-percent increase over the previous year's number of rehabilitated individuals.

The rehabilitation services, training, and employment programs are an integral part of this Nation's underlying philosophy of providing opportunity for all its citizens. I urge the acceptance of this 1-year extension of Federal effort as a continuing pledge that the Congress fully supports these programs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1433), 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 H.R. 19401 is to provide timely authorization for programs carried on under the Vocational Rehabilitation Act in order to better facilitate the appropriations process. The act is presently authorized through the current fiscal year which means that the authorization will expire on June 30, 1971.

This bill proposes to extend the authority for programs carried on under the act for 1 additional year, extending the present levels of authorization through fiscal year 1972. The bill is a straight 1-year extension of authorization with no substantive changes in the programs. The levels of authorization for fiscal year 1972, which are identical to those for fiscal year 1971, are as follows:

	Existing law, fiscal year 1971	Proposed by H.R. 19-401 fiscal year 1972
Sec. 1(b)(1), sec. 2, grants to the States	$700,000,000	$700,000,000
Sec. 1(b)(2), sec. 3, grants to the States for innovation	10,000,000	10,000,000
Sec. 1(b)(3), sec. 4, special projects grants	140,000,000	140,000,000
Sec. 12(8), grants for construction and staffing of rehabilitation facilities	30,000,000	30,000,000
Sec. 12(f), grants for rehabilitation facility improvement	30,000,000	30,000,000
Sec. 15(a)(2), grants for vocational evaluation and work adjustment program	100,000,000	100,000,000

BACKGROUND

The State-Federal program of vocational rehabilitation has represented, through the years, a true partnership in serving and rehabilitating handicapped individuals. In fiscal year 1970, State vocational rehabilitation agencies served approximately 870,000 disabled individuals and rehabilitated 266,975 persons.

The number of persons rehabilitated during fiscal year 1970 was the highest achieved in the history of the State-Federal program of vocational rehabilitation, the first time that the one-quarter-of-a-million milestone has been exceeded in a single year. The 266,975 persons rehabilitated represent nearly an 11-percent increase over the number rehabilitated during fiscal year 1969.

Of the total number of handicapped individuals rehabilitated, a substantially increased number were in areas of national concern, among which were 32,345 recipients of public assistance. The States in cooperation with the Federal Government have concluded that high priority shall be given to serving greater numbers of handicapped public assistance recipients.

The States have over the years worked closely with the private nonprofit sector in the establishment of rehabilitation facilities considered essential to provide services to handicapped individuals in the community During fiscal year 1970 over 175,000 clients of State agencies received one or more services from a rehabilitation facility or workshop at an estimated cost of approximately $90 million.

SUMMARY

Much of the successful development of the vocational rehabilitation program has been because of the effective use States have been able to make of advanced information on State allotment figures. These are computed on the basis of the authorizations provided in the act. With the State allotment information, States have been able to plan effectively for the orderly growth of their programs and to estimate and appropriate State funds to match available Federal support.

With this in mind representatives of many States have advised of the importance of establishing as soon as possible the basis authorization for Federal support of State and Federal programs of vocational rehabilitation services for the fiscal year ending June 30, 1972. Almost all State legislatures meet in January and February of 1971 and need the assurance of continuing legislation authorizing Federal resources.

Such an assurance would permit the States to make needed appropriations of State funds to sustain the State-Federal programs of services and development of facilities. This is especially important in light of the efforts being made to return to work the maximum number of disabled public assistance recipients that can be served under the present program.

With a 1-year extension State programs can go forward with a momentum that has been stimulated. Enactment of H.R. 19401, providing for such an extension, will facilitate the orderly and timely administration of vocational rehabilitation programs at the State and local level. At the Federal level, enactment of H.R. 19401 will mean that there will be no delays in the appropriations process because of a failure to have a timely authorization for vocational rehabilitation programs.

The bill was ordered to a third reading, read the third time, and passed.

CARLO BIANCHI & CO., INC.

The bill (S. 4439) for the relief of Carlo Bianchi & Co., Inc., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Corps of Engineers Board of Contract Appeals to reconsider the claim of Carlo Bianchi and Company, Incorporated, for additional costs incurred because of changed conditions and delays suffered during the construction of a tunnel in connection with performance of contract numbered W–30–180–eng–398 with the Army Corps of Engineers in Steuben County, New York. Application for reconsideration of the claim as provided in this Act shall be made within one year of the effective date of this Act, and in connection with such reconsideration the Corps of Engineers Board of Contract Appeals is authorized and directed to consider all evidence previously considered by the Board in connection with the claim and all evidence presented to the Court of Claims in connection with the proceedings of that Court in the case of Carlo Bianchi and Company, Incorporated, against The United States, Numbered 466–54 (144 Ct. Cl. 500, 157 Ct. 432), together with any additional evidence which may be submitted to the Board in accordance with its rules.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1436), 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 confer jurisdiction upon the Corps of Engineers Board of Contract Appeals to reconsider the claim of Carlo Bianchi & Co., Inc., for additional costs incurred because of changed conditions and delays suffered during the construction of a tunnel in connection with the performance of contract No. W–30–180 eng 398 with Army Corps of Engineers in Steuben County, N.Y. The amended bill requires that the application for reconsideration of the claim must be made within 1 year of the effective date of the bill's enactment. In reconsidering the claim the Corps of Engineers Board of Con-

tract Appeals would be required to consider all evidence previously considered by it in connection with the claim, and would be further required to consider all evidence presented to the Court of Claims in the case *Carlo Bianchi and Company, Inc.* v. *the United States,* No. 466–54, and any additional evidence which may be submitted in accordance within the rules of the Board.

STATEMENT

The facts of the case, as contained in House Report No. 91–1511, on a similar House bill pending on the House calendar, are as follows:

"As has been outlined above, the bill would permit a company to have its claim reconsidered by the Corps of Engineers Board of Contract Appeals on the basis of the facts as fully developed by evidence presented to the Court of Claims as well as the administrative hearings before that Board.

"The facts of this case are summarized in the opinion of the Court of Claims in the case of *Carlo Bianchi and Company, Inc.* v. *the United States,* 144 Ct. Cls. 500, 501–504. The decision stated that the company claimed that in performing a contract with the Corps of Engineers of the War Department, it encountered changed conditions within the scope of article 4 of its contract which caused it to incur extra expense for which the Government should have paid but did not.

"The contract was made in July 1946. Carlo Bianchi & Co., Inc., was to build an earthen dam across Canacadea Creek at Almond, Steuben County, N.Y. One item of the work was the blasting through rock of a tunnel some 710 feet long. The blasted area was to be approximately 17 feet in diameter and the finished bore after the construction of the concrete lining was to be 13 feet in diameter. All of the work under the contract was completed on time, the contract completion date, as extended, being June 30, 1949.

"The Army Engineers had made test borings in the area through which the tunnel was to be built. The invitation for bids, upon which the company had acted in submitting its bid, contained the standard provisions requiring the bidder to investigate the site and learn all that could be learned about the conditions which would be encountered in the performance of the contract. The Court of Claims stated that company made a thorough examination of the nature of the rock, wherever it was exposed in the area, and of the logs of the test borings made by the Army Engineers. The logs of the borings indicated that, except for a distance of about 50 feet at each end of the tunnel, over which the rock covering would be relatively shallow, the rock through which the tunnel would pass would be "unweathered" rock; that is, rock without seams in which clay or mud had accumulated. The importance of the unweathered condition of the rock was that such rock would better remain in place in the roof of the tunnel without vertical support when the tunnel was blasted through.

"The specification contemplated instability of this rock for 50 feet at each end of the tunnel. They provided for the insertion in these locations of strong steel ribs set 4 feet apart, their steel "inner plates" one-eighth of an inch thick on top of them.

"The company's excavation subcontractor, experienced in tunnel work, blasted out the tunnel. A good deal of rock fell from above the required height of the tunnel. The fall from the blasting and the overbreak was "mucked" out by the night crew. No cribbing or other temporary protection against falling rock was used at this stage of the work. The blasting through of the tunnel was begun in December 1946 and finished by March 12, 1947, all in winter weather.

"Because of the considerable excess fall of rock while the tunnel was being blasted through, the plaintiff requested the Government's resident engineer to authorize the installation of steel ribs and liner plates through the entire length of the tunnel, this additional material to be paid for by the Government. The resident engineer replied that unless there were indications that the tunnel would cave in, such authority would not be given.

"The company, in correspondence during the next several months, repeated its request, which the Government repeatedly denied. The plaintiff caused the situation to be examined by several experts. The Court of Claims in its opinion stated that the experts found that, throughout the length of the tunnel, the rock contained seams filled with mud and clay; that these seams were saturated with water and offered little resistance to the fall of the rock when its vertical support had been removed. It was further indicated that since the tunnel had been blasted through in the winter when no moisture could enter the ground from the surface, which was about 100 feet above the tunnel, the rock was relatively stable at that time. When the ground at the surface thawed and the spring rains came, the saturation of the seams in the rock occurred or was increased. as was the instability of the overlying rock. (*Carlo Bianchi and Company Inc.* v. *the United States, supra* 502–503).

"In the disputation in the writings of the parties, the Government took the position that all that was needed was "temporary protection" sufficient to enable the workmen to safely clear out the tunnel and construct the concrete lining. If that was all that was needed, it was no more than the company had contracted to do, at its own expense. Such protection would apparently have been wooden cribbing, sufficiently strong to prevent a relatively small volume of rock from crashing to the floor of the tunnel.

"The company's contention was, and is, that the rock above the tunnel was so unstable that unless 'permanent protection' was installed, of a kind which would have to remain imbedded in the concrete lining of the tunnel, not only would the workmen be endangered but the tunnel could not be completed because of the danger of large falls of rocks which would make it impossible or impracticable to properly construct the concrete lining.

"On May 5, 1947, the contracting officer formally notified the plaintiff that it was his decision that no additional steel tunnel lining would be authorized to be placed at the expense of the Government. The contracting officer decided that there were no changed conditions within the meaning of the clause; that only temporary protection was necessary; and that the contractor was obligated under the terms of the contract to bear the cost of protection of workmen.

"Pursuant to the 'disputes' clause of the contract the contractor appealed from the contracting officer's decision to the Board of Claims and Appeals of the Corps of Engineers. While the appeal was pending, the contractor installed the permanent steel supports which it deemed essential and completed work on the tunnel.

"A hearing was held before the Board, at which a record was made and each side offered evidence including expert testimony and had an opportunity for cross-examination. The Board decided in favor of the Government, resolving certain conflicts in the evidence against the contractor and holding in effect, that there were no unanticipated or unforeseen conditions requiring the installation of permanent steel protection throughout the tunnel. (Eng. C. & A. No. 14, decided Dec. 14, 1948.)

"In December 1954, the company brought an action in the Court of Claims on its claim. As is noted in the decision as reported in volume 144 of the Court of Claims reports at page 506, the court held that after a consideration of all of the evidence the contracting officer's decision "* * * cannot be said to have substantial support." The Army report notes that the court conducted a de novo hearing. In this connection the court asserted that in enacting the Wunderlich Act (May 11, 1954, ch. 199, 68 Stat. 81; 41 U.S.C. secs. 321, 322), the Congress acted in accord with the previous holding of the Court of Claims that the trial before the court should not be limited to the record made before the contracting agency but should be de novo, *Volentine and Littleton* v. *United States,* 136 Ct. Cls. 638. The Supreme Court granted certiorari, 371 U.S. 939, on the question of the kind of judicial proceeding to be afforded in cases governed by the Wunderlich Act. The issue before the court was whether the Court of Claims was limited to the administrative record or was free to take new evidence. The Supreme Court held that in the consideration of matters within the scope of the 'disputes' clause as in the *Bianchi* case, the Court of Claims is confined to review of the administrative record and may not receive new evidence.

"The committee has recommended the relife provided in the committee amendment after a careful consideration of the background of this matter. In this connection the committee has reviewed the testimony presented at a subcommittee hearing on August 6, 1970, as well as the decisions of the Court of Claims in connection with the case of *Carlo Bianchi & Company* v. *the United States,* Court of Claims No. 466–54 as reported at 144 Ct. Cls. 500, 157 Ct. Cls. 432, and 167 Ct. Cls. 364 and the decision of the Supreme Court in the same matter (373 U.S. 709 (1963)).

"The bill as originally introduced provided for the payment of the amount found by the Court of Claims to be due the company (157 Ct. Cls. 432, 434). The Department of the Army opposed relief as originally provided in the bill on the ground that enactment of the bill would result in a preference to the Bianchi firm over other firms similarly situated, and states that it can see no justification for the precedent it concludes would be established. The Department of Justice also indicated its opposition to the bill stating:

" 'The bill gives preferential treatment to this particular contractor and discriminates against other contractors who have unsuccessfully sought judicial relief on claims arising out of Government contracts.'

"The committee has carefully considered the objections of the departments and has concluded that the objections are relevant to the bill as originally introduced which would have granted the company direct relief by providing for payment of the amount stated in the bill. However, the committee feels that the equities of this particular case justify a recommendation that the bill be amended to permit a reconsideration of the claim by the Corps of Engineers Board of Contract Appeals. The circumstances and events in connection with proceedings in this particular matter appear to be unique, and to provide a basis for relief in this instance.

"At the hearing on August 6, 1970, it was pointed out that the Supreme Court decision in the *Bianchi* case served to clarify the law concerning the consideration of matters within the scope of the "disputes" clause of contracts such as was involved in this matter. It is now clear that the Court of Claims is confined to a review of the administrative record under the standards of section 321 of title 41 of the United States Code. This decision of course, served to alert all claim-

ants as well as the Contract Appeals Board to the importance of a full and complete record, and also to the significance of procedures before the Board.

"In the light of these considerations the committee concluded that the Board is the proper forum for the resolution of this matter. While it might be argued that a reconsideration by the Board would be an unusual procedure, it is felt that it has the advantage of placing the matter for decision before the proper forum for such a resolution. In this connection the committee feels that the following quotation from the dissenting opinion, in the *Bianchi* case in the Supreme Court (373 U.S. 709, 719–720) contains a good outline of the equities and considerations which show the basis for relief as provided in the amended bill:

" 'The Board found that respondent at the start should have used temporary protection against fallins and that, had it done so, permanent tunnel protection would not have been required. In February 1948, before the hearing, a letter from the Acting District Engineer to the Chief of Engineers reported a conversation the Corps' Resident Engineer for this project he had had with an expert from the New York's Bureau of Mines. The only inference that could be drawn from that report was that the expert believed that the tunnel was in safe condition shortly after it was bored and that its later unsafe condition was caused by the fact that respondent "had not had the foresight to gunite the exposed tunnel roof with cement as the excavation progressed to seal it against air slacking [sic] * * *" Somehow, in a manner not disclosed by the record, this letter came into the hands of the Appeal Board and was considered by it before a decision was rendered on the appeal.'

"After the decision respondent learned of this expert's alleged statements and called him as a witness at the hearing before the Court of Claims, where he testified on the basis of his inspection that permanent, not temporary, protection against fallins was necessary from the beginning. As respects the guniting of the tunnel, one of the Government's own witnesses testified at the hearing before the Court of Claims that it would have served no useful purpose.

"This issue—whether only temporary protection was needed—was one of the main issues in the case. When the agency making the decision relies on evidence that the claimant had no chance to refute, the hearing becomes infected with a procedure that lacks that fundamental fairness the citizen expects from his Government. Cf. *Willner* v. *Committee on Character and Fitness, ante,* p. 96; *Gonzalez* v. *United States,* 348 U.S. 407; *Morgan* v. *United States,* 304 U.S. 1.

"This irregularity points up what Judge Madden, writing for the Court of Claims, said in *Volentine & Littleton* v. *United States,* 136 Ct. Cl. 638, 641–642, 145 F. Supp. 952, 954:

" '* * * the so-called "administrative record" is in many cases a mythical entity. There is no statutory provision for these administrative decisions or for any procedure in making them. The head of the Department may make the decision on appeal personally or may entrust anyone else to make it for him. Whoever makes it has no power to put witnesses under oath or to compel the attendance of witnesses or the production of documents. There may or may not be a transcript of the oral testimony. The deciding officer may, and even in the departments maintaining the most formal procedures, does, search out and consult other documents which, it occurs to him, would be enlightening, and without regard to the presence or absence of the claimant.'

"The committee understands that after the Bianchi case procedures for administrative hearings have been revised and improved. However, it was asserted that the claimant company did not have the advantage of those procedures. The amended bill would give the company the opportunity for a full hearing. It is recommended that the bill, as amended by the committee, be considered favorably."

In agreement with the views of the House Judiciary Committee, the bill is recommended favorably.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 493) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments was considered, and agreed to, as follows:

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $7,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 335, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to constitutional amendments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1438), explaining the purposes of the measure.

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

Senate Resolution 493, would increase by $7,000, from $173,700 to $180,700, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to constitutional amendments it is currently engaged in pursuant to Senate Resolution 335 of the present Congress.

Senate Resolution 335, as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed $173,700 from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

The additional funds which would be authorized by Senate Resolution 493, are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91–231, approved April 15, 1970.

NATIONAL AGRICULTURAL LIBRARY

The bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1440), explaining the purpose of the measure.

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

This bill would authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library. Its enactment would not result in any additional cost to the Government. Attached is the report of the Department of Agriculture recommending enactment of S. 4548, a Senate companion bill, together with statements on the purpose of and need for this legislation furnished to the committee by the Department.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 11, 1970.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Department of Agriculture is pleased to reply to your request of December 3, 1970, for a report on S. 4548, a bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

The National Agricultural Library is the world's largest respository of literature and other materials on agriculture and related sciences as it has over 1 million volumes in its collection. The library serves the broad knowledge and informational interests and needs of the Department of Agriculture and is looked to by scientists and scholars as a source of current and historical information. The Library is cooperating with the Nation's land-grant colleges as well as international libraries through a series of reciprocal agreements in order to have current agricultural information.

In its new building at Beltsville, Md., the Library has drawn the attention of potential donors of primary, and secondary source material who are seeking a suitable repository for their gifts. The Library, at present, lacks the statutory authority to accept gifts, and has been advised by the Office of the General Counsel of the Department of Agriculture that such authority is required in order to accept gifts.

The National Agricultural Library is the only national library which lacks the statutory authority to accept gifts. This bill would give the National Agricultural Library this authority.

The Department of Agriculture fully supports this legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

PURPOSE OF THE LEGISLATION

The bill has as its objective the advancement of scientific research and information services by giving statutory authority to the Secretary of Agriculture to accept gifts for the National Agricultural Library. This library has over 1 million volumes, and comprises the world's largest collection of printed material on the agricultural sciences. In its new building in Beltsville, Md., the library provides scholars with opportunities for study, and has also attracted the attention of potential donors of valuable collections of primary, as well as secondary, source material. For example, the Library has been offered the world's largest and most complete collection of historical literature and related material on American poultry.

NEED FOR LEGISLATION

The National Agricultural Library does not enjoy statutory authority to accept gifts, as does the Library of Congress, the National Library of Medicine, and some other Federal libraries. The Office of the General Counsel of the USDA has indicated that such statutory authority is needed in view of decisions of the Comptroller General concerning the need for specific statutory authority in order to accept gifts and to assure clear title, free of any possible future litigation, for gifts that the Library might accept. At present, the Library is forced to consider with uncertainty, not only gifts that are being offered, but a program of soliciting gifts that would add immeasurably to the stature of the Library and its services.

AMENDMENT OF THE HOUSE FOOD STAMP ACT

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 18582.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate H.R. 18582, an act to amend the Food Stamp Act of 1964, which was read twice by title.

Mr. ELLENDER. Now, Mr. President, I regret to state that when the House considered this bill, it did not substitute the Senate bill on the same subject.

Representative POAGE of Texas made the attempt to do so but someone objected, so that under their rules the objection stood.

What I desire to do is to ask unanimous consent that the Senate proceed to the consideration of the House bill and then substitute the Senate passed text for the House language so that we can go to conference. That will be the purpose of my motion.

Mr. President, I ask unaminous consent that the Senate proceed to the immediate consideration of H.R. 18582.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate will proceed to consider the bill.

Mr. ELLENDER. Now, Mr. President, on September 24, last year, the Senate passed S. 2547, a bill covering the same subject, namely, amendment to the Food Stamp Act of 1964. I move that all after the enacting clause of H.R. 18582 be stricken, and that the language of S. 2547 be inserted in lieu thereof, and I send a copy of S. 2547 to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. McGOVERN. Mr. President, reserving the right to object—and I shall not object—because I agree entirely with what the Senator from Louisiana is asking the Senate to do, to substitute the Senate language for the House passed bill; but I do want to serve notice on the Senate that I will have some things to say a little bit later on this afternoon about the action of the other body with reference to the food stamp legislation.

Mr. JAVITS. Mr. President, reserving the right to object, I should like to join—I shall not delay the Senate—the Senator from South Dakota (Mr. McGOVERN). I am the ranking member of that committee, and I join the Senator in the position he has taken and in respect to the Senator from Louisiana (Mr. ELLENDER) in his perfectly appropriate request on the House bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

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 and passed.

Mr. ELLENDER. Mr. President, I move that the Senate bill S. 2547, be indefinitely postponed.

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

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendment, request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. JORDAN of Idaho) appointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. McGOVERN, Mr. AIKEN, Mr. MILLER, and Mr. CURTIS conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar and now at the desk, which were reported earlier today.

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

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The nominations on the Executive Calendar will be stated.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

The legislative clerk read the nomination of Peter John Bertoglio, of California, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Ray A. Watt, of California, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURT

The legislative clerk read the nomination of Albert J. Engel of Michigan to be a U.S. district judge for the western district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The legislative clerk proceeded to read sundry nominations in the Board of Directors of the Overseas Private Investment Corporation.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The assistant legislative clerk read the name of Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the name of Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk read the nomination of Leonard J. Saccio, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed en bloc.

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, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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) 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 material and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Delaware is recognized.

PRIVILEGE OF THE FLOOR

Mr. WILLIAMS of Delaware. Mr. President, during the further consideration of H.R. 17550 I ask unanimous consent that two members of my staff, Miss Eleanor Lenhart and Mr. Robert Davenport be permitted on the floor of the Senate.

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

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment, the next committee amendment, is on page 4, beginning with line 7.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Beginning on page 4, after line 7, strike out the table on pages 4, 5 and 6 and insert tables on pages 7 and 8.

The language sought to be stricken is as follows:

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$64.00	----------	$76	$67.20	$100.80
$16.21	16.84	65.00	$77	78	68.30	102.50
16.85	17.60	66.40	79	80	69.80	104.70
17.61	18.40	67.70	81	81	71.10	106.70
18.41	19.24	68.90	82	83	72.40	108.60
19.25	20.00	70.30	84	85	73.90	110.90
20.01	20.64	71.60	86	87	75.20	112.80
20.65	21.28	72.80	88	89	76.50	114.80
21.29	21.88	74.20	90	90	78.00	117.00
21.89	22.28	75.50	91	92	79.30	119.00
22.29	22.68	76.80	93	94	80.70	121.10
22.69	23.08	78.00	95	96	81.90	122.90
23.09	23.44	79.40	97	97	83.40	125.10
23.45	23.76	80.80	98	99	84.90	127.40
23.77	24.20	82.30	100	101	86.50	129.80
24.21	24.60	83.50	102	102	87.70	131.60
24.61	25.00	84.90	103	104	89.20	133.80
25.01	25.48	86.40	105	106	90.80	136.20
25.49	25.92	87.80	107	107	92.20	138.30
25.93	26.40	89.20	108	109	93.70	140.60
26.41	26.94	90.60	110	113	95.20	142.80
26.95	27.46	91.90	114	118	96.50	144.80
27.47	28.00	93.30	119	122	98.00	147.00
28.01	28.68	94.70	123	127	99.50	149.30
28.69	29.25	96.20	128	132	101.10	151.70
29.26	29.68	97.50	133	136	102.40	153.60
29.69	30.36	98.80	137	141	103.80	155.70
30.37	30.92	100.30	142	146	105.40	158.10
30.93	31.36	101.70	147	150	106.80	160.20
31.37	32.00	103.00	151	155	108.20	162.30
32.01	32.60	104.50	156	160	109.80	164.70
32.61	33.20	105.80	161	164	111.10	166.70
33.21	33.88	107.20	165	169	112.60	168.90
33.89	34.50	108.60	170	174	114.10	171.20
34.51	35.00	110.00	175	178	115.50	173.30
35.01	35.80	111.40	179	183	117.00	175.50
35.81	36.40	112.70	184	188	118.40	177.60
36.41	37.08	114.20	189	193	120.00	180.00
37.09	37.60	115.60	194	197	121.40	182.10
37.61	38.20	116.90	198	202	122.80	184.20
38.21	39.12	118.40	203	207	124.40	186.60
39.13	39.68	119.80	208	211	125.80	188.70
39.69	40.33	121.00	212	216	127.10	190.70
40.34	41.12	122.50	217	221	128.70	193.10
41.13	41.76	123.90	222	225	130.10	195.20
41.77	42.44	125.30	226	230	131.60	197.40
42.45	43.20	126.70	231	235	133.10	199.70
43.21	43.76	128.20	236	239	134.70	202.10
43.77	44.44	129.50	240	244	136.00	204.00
44.45	44.88	130.80	245	249	137.40	206.10
44.89	45.60	132.30	250	253	139.00	208.50
		133.70	254	258	140.40	210.60
		134.90	259	263	141.70	212.60
		136.40	264	267	143.30	215.00
		137.80	268	272	144.70	217.60
		139.20	273	277	146.20	221.60
		140.60	278	281	147.70	224.80
		142.00	282	286	149.10	228.80
		143.50	287	291	150.70	232.80
		144.70	292	295	152.00	236.00
		146.20	296	300	153.60	240.00
		147.60	301	305	155.00	244.00
		148.90	306	309	156.40	247.20
		150.40	310	314	158.00	251.20
		151.70	315	319	159.30	255.20
		153.00	320	323	160.70	258.40
		154.50	324	328	162.30	262.40
		155.90	329	333	163.70	266.40
		157.40	334	337	165.30	269.60
		158.60	338	342	166.60	273.60
		160.00	343	347	168.00	277.60
		161.50	348	351	169.60	280.80
		162.80	352	356	171.00	284.80
		164.30	357	361	172.60	288.80
		165.60	362	365	173.90	292.00
		166.90	366	370	175.30	296.00
		168.40	371	375	176.90	300.00
		169.80	376	379	178.30	303.20
		171.30	380	384	179.90	307.20
		172.50	385	389	181.20	311.20
		173.90	390	393	182.60	314.40
		175.40	394	398	184.20	318.40
		176.70	399	403	185.60	322.40
		178.20	404	407	187.20	325.60
		179.40	408	412	188.40	329.60
		180.70	413	417	189.80	333.60
		182.00	418	421	191.10	336.80
		183.40	422	426	192.60	340.80
		184.60	427	431	193.90	344.80
		185.90	432	436	195.20	348.80
		187.30	437	440	196.70	350.40
		188.50	441	445	198.00	352.40
		189.80	446	450	199.30	354.40
		191.20	451	454	200.80	356.00
		192.40	455	459	202.10	358.00
		193.70	460	464	203.40	360.00
		195.00	465	468	204.80	361.60
		196.40	469	473	206.30	363.60
		197.60	474	478	207.50	365.60
		198.90	479	482	208.90	367.20
		200.30	483	487	210.40	369.20
		201.50	488	492	211.60	371.20
		202.80	493	496	213.00	372.80
		204.20	497	501	214.50	374.80
		205.40	502	506	215.70	376.80
		206.70	507	510	217.10	378.40
		208.00	511	515	218.40	380.40
		209.30	516	520	219.80	382.40
		210.60	521	524	221.20	384.00
		211.90	525	529	222.50	386.00
		213.30	530	534	224.00	388.00
		214.50	535	538	225.30	389.60
		215.80	539	543	226.60	391.60
		217.20	544	548	228.10	393.60
		218.40	549	553	229.40	395.60
		219.70	554	556	230.70	396.80
		220.80	557	560	231.90	398.40
		222.00	561	563	233.10	399.60
		223.10	564	567	234.30	401.20
		224.30	568	570	235.60	402.40
		225.40	571	574	236.70	404.00
		226.60	575	577	238.00	405.20
		227.70	578	581	239.10	406.80
		228.90	582	584	240.40	408.00
		230.00	585	588	241.50	409.60
		231.20	589	591	242.80	410.80
		232.30	592	595	244.00	412.40
		233.50	596	598	245.20	413.60
		234.60	599	602	246.40	415.20
		235.80	603	605	247.60	416.40
		236.90	606	609	248.80	418.00
		238.10	610	612	250.10	419.20
		239.20	613	616	251.20	420.80
		240.40	617	620	252.50	422.40
		241.50	621	623	253.60	423.60
		242.70	624	627	254.90	425.20
		243.80	628	630	256.00	426.40
		245.00	631	634	257.30	428.00
		246.10	635	637	258.50	429.20
		247.30	638	641	259.70	430.80
		248.40	642	644	260.90	432.00
		249.60	645	648	262.10	433.60
		250.70	649	650	263.30	434.40
			651	655	264.00	436.40
			656	660	265.00	438.40
			661	665	266.00	440.40
			666	670	267.00	442.40
			671	675	268.00	444.40
			676	680	269.00	446.40
			681	685	270.00	448.40
			686	690	271.00	450.40
			691	695	373.00	452.40
			696	700	273.00	454.40
			701	705	274.00	456.40
			706	710	275.00	458.40
			711	715	276.00	460.40
			716	720	277.00	462.40
			721	725	278.00	464.40
			726	730	279.00	466.40
			731	735	280.00	468.40
			736	740	281.00	470.40
			741	745	282.00	472.40
			746	750	283.00	474.40

The language to be substituted is as follows:

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I (Primary insurance benefit under 1939 act, as modified)		II (Primary insurance amount under 1967 act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$26.94	$90.60 or less	----------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.56	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.10	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.00
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.60	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		175.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		197.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		188.50	441	445	207.40	387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	543	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	436.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	439.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	478	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	650	275.80	482.70
			651	655	276.80	484.40
			656	660	277.80	486.20
			661	665	278.80	487.90
			666	670	279.80	489.70
			671	675	280.80	491.40
			676	680	281.80	493.20
			681	685	282.80	494.90
			686	690	283.80	496.70
			691	695	284.80	498.40
			696	700	285.80	500.20
			701	705	286.80	501.90
			706	710	287.80	503.70
			711	715	288.80	505.40
			716	720	289.80	507.20
			721	725	290.80	508.90
			726	730	291.80	510.70
			731	735	292.80	512.40
			736	740	293.80	514.20
			741	745	294.80	515.90
			746	750	295.80	517.70

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment deals with the proposed changes in the increase for social security benefits. Under the bill as passed by the House these benefits were increased by 5 percent, which would have cost in 1971 $1.7 billion.

The Finance Committee by a majority vote increased these benefits. Instead of leaving the benefits at 5 percent, they increased them to 10 percent. They raised the minimum social security payment of $100.

The two amendments appear combined in this amendment, and when merged the result of the action of the Finance Committee is a cost of $5 billion over existing law, or $3.3 billion more than that which was provided in the House bill.

That will be the question before the Senate when this particular amendment is voted upon. As indicated yesterday, I tried to get a unanimous consent agreement in order to move along on a consideration of the various features of

the bill, some of which I support and some of which I do not. However, I did feel that the Senate had a right to work its will and that after reasonable debate we should be able to proceed to a vote. That effort is a matter of record and history now.

We were unable to get such a consent agreement. I do not criticize those who felt they could not consent. I am sure they had good and valid reasons.

I am going to make another effort here to get some semblance of reasonable order in consideration of this massive piece of legislation. The bill itself covers 546 pages.

The Finance Committee has worked on this bill for many months.

I have never seen that committee, in the period of my 20 years in which I have been a Member, devote more time to a study and analysis of a bill than it has to the various sections of this bill and all of its ramifications.

The bill is now before the Senate. It has been pointed out that we have a situation here dealing with some very highly controversial measures. We have the question in the bill involving the catastophic insurance. We have the question of the trade act, which is title 3 of the bill. This is something about which Members of the Senate on both sides of the question have very strong feelings. Others have very strong feelings about the family assistance plan.

We are in this situation parliamentary-wise. Any of the amendments—the trade amendment, the family assistance amendment, or any other amendment—could be offered to one of the committee amendments.

The problem is, however, that if they are offered to any committee amendment, that would be an amendment in the second degree. Therefore, it would not be subject to any modification or verification even though in the discussion it may be pointed out to the membership and even the sponsors of the amendment that there should be changes in the amendment.

In the discussion last night with both the chairman of the committee and the Senator from Oklahoma, who had some amendments that he wished to offer to the Bennett-Ribicoff amendment, it was pointed out that he would be precluded from offering them under such a parliamentary situation.

I, too, would have some amendments to offer. I would also be precluded. I think it would be most unfortunate for the Senate to get itself into such a parliamentary situation.

Mr. President, in order to show the Senate what kind of a parliamentary snarl we can get into, and almost got into at this time, I know of at least two proposals that Senators were considering offering as amendments to the first committee amendment on pages 1, 2, 3, and 4. The Committee amendments have no substance. They merely change the section number.

It has been suggested that at the end of that amendment the Trade Act could be offered and would be in order, or the family assistance plan could be offered and would be in order. Neither would be subject to an amendment. They would be voted on on the merits.

Some might say that is simple enough to get a vote. However, after the yeas and nays have been ordered on an amendment to an amendment all any one Senator would have to do would be to stand up and ask for a division. We would then have had exactly 68 votes before we could vote on the amendment. Those committee amendments after the division would require a vote on each line, because they are separable. Each one is to strike out a different line.

True, it does not mean anything, but it would have required a rollcall vote and would have put the Senate in a more silly posture than it is now, if that is possible.

For that reason, last night I made a unanimous-consent request that approved this amendment and prevented the Senate from getting into that ridiculous situation.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Mr. President, if I correctly understand the situation, if a Senator wanted to amend the first committee amendment, which would simply strike the table of contents in the bill, he could have insisted on a motion to separate. That would have required the Senate to have a separate vote to strike on every single item in the table of contents. That alone would have required 68 rollcall votes, if it had been insisted on.

Mr. WILLIAMS of Delaware. The Senator is correct. And after that they would be subject to a quorum call between each one and a motion to table on that. We would have two rollcall votes. So there would be 136 rollcall votes and 136 quorum calls.

I point that out to show how we could get into such a ridiculous picture.

Mr. LONG. Mr. President, if a Senator wanted to offer an amendment to the simple committee amendment to strike the table of contents, any Senator who did not want that amendment to come to a vote could insist on 136 rollcall votes and 136 quorum calls before we ever got to a vote on the amendment.

Mr. WILLIAMS of Delaware. He could. But it is even simpler than that because whoever offered that amendment to the amendment, whether it be on the trade section or family assistance, would want a rollcall vote and that would be applicable to the entire package; and all they would have to do would be to request a division, and we would have 68 rollcall votes. I hope that will not happen and that we can proceed in an orderly manner. If such an amendment, whether it be for family assistance or an amendment dealing with any other subject, is offered to any committee amendment that is in the second degree it is not subject to any amendment or any variation. This is not good legislative practice.

Last night the chairman mentioned, and it had been mentioned in committee, the possibility of getting unanimous consent to have amendments considered en bloc. In that case any Senator who got recognition could offer his amendment and have it voted on up or down; his amendment then would be subject to amendment in the second degree—the family assistance plan or whatever it might be, would be, in effect, to the original text because that is the way we would be considering it. That would give an opportunity to the Senator from Oklahoma or anyone else who wanted to offer amendments to amendments; they could offer them to the committee bill as we have done many times before.

There are proposals in this measure that I do not like and that I hope will not be agreed to. I shall discuss those in due course. It is in recognition of this fact that I have worked over night and talked with several members, and I think we have somewhat of a concensus of opinion. I have not talked to everyone, but I believe we have somewhat of a concensus of opinion that it would be better for all concerned to have the unanimous consent granted that the committee amendments be considered and agreed to en bloc and as agreed to be considered as original text for the purpose of amendment.

I have asked the Parliamentarian to write out this request so it would be in the usual form. In that manner anyone who has the floor could have his amendment offered.

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

Mr. WILLIAMS of Delaware. I yield without losing my right to the floor.

Mr. RIBICOFF. The Senator from Utah (Mr. BENNETT) and I are very anxious to have a definitive vote on the family assistance plan. We recognize the parliamentary situation that if these amendments are not adopted en bloc and made original text that the amendment we would offer would not be subject to amendment. The family assistance plan is so complex and has so many facets that I do not have a feeling of self-righteousness that we should deprive other Senators from offering their own concepts and ideas. I know the Senator from Oklahoma has many thoughts of his own. The Senator from Idaho has many thoughts of his own, and other Senators have thoughts on how this amendment should be reported.

Consequently, in all fairness to the Senate and to this measure, we would hope that the proposal of the Senator from Delaware would be agreed to without objection. If this were the case, then the amendment I would offer—and I would hope to receive recognition from the Chair at the earliest possible moment—would be an amendment in the first degree, giving each Senator an opportunity to offer his amendment and in this way we could have a complete discussion of a most complex subject.

I believe this is the fairest way to handle the proposal and to that end we could go forward to a vote on the family assistance program before we adjourn sine die on January 3.

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

Mr. WILLIAMS of Delaware. I will yield in a moment but I do want to point out that I am not doing this necessarily to expedite that particular proposal. As

the Senator knows I would just as soon see that proposal defeated. However, I am perfectly willing to take my chances on why I think that proposal would not be good. I am perfectly willing to do that and let the Senate vote.

But in the meantime, if it is going to be adopted it would be better to have it improved if we find improvements can be made. It is better to be in a posture where we can make a change in it, and under the other situation we would be almost locked in.

Mr. RIBICOFF. The Senator is correct.

Mr. WILLIAMS of Delaware. I appreciate what the Senator has just said. As I said, every Member of the Senate would be on equal footing so he could get recognition and offer whatever amendment he wanted to offer.

Mr. President, I yield to the Senator from Oklahoma, and I would like to ask to yield to anyone else who wants to comment on this without my losing my right to the floor.

I yield to the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator. The Senator, has, indeed, talked with a number of Senators, including me, and he has indicated his intention to make this request today to adopt the committee amendments en bloc and make them original text. I think that is the orderly way to proceed.

I hope we can pass the social security related matters in the bill and that we can pass welfare reform—real welfare reform—this year, and get the amendment of the Senator from Connecticut and the Senator from Utah in amendable form. What the Senator is asking for is a way to do that in an orderly manner; and then, those of us who want to amend various sections of the bill, and strike the trade provision, as I do, would have that opportunity to do so.

I join in the request of the Senator from Delaware and I hope it can be agreed to as the orderly way to proceed.

Mr. WILLIAMS of Delaware. I thank the Senator. Some Senators, and to be frank, I, personally, was reluctant to enter into this, as the chairman knows during discussions in committee, because there are a few sections on which I wanted direct rollcall votes.

There is this difference which we all recognize. It takes one more vote to strike something from a bill than to put it in. Then, if it is going to rise or fall on one vote I do not know that it is important. The main thing is to get it to a vote.

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

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from New York on the same conditions.

Mr. JAVITS. I would like to advise the Senator that I shall object to his request and if he will allow me, I would like to state the reasons. Will the Senator yield for that purpose?

Mr. WILLIAMS of Delaware. Yes, I yield without losing my right to the floor.

Mr. JAVITS. I understand.

In the first place, let me state that I was not informed of this unanimous-consent proposal, and that I heard of it because one hears about everything in this Chamber. I hope very much that in the course of the debate on this bill, when there will be lots of things asked for by me and other Senators, that we should really, in all fairness, start the practice of advising Members who other Members know are deeply interested in whatever is going to be proposed.

We were told yesterday by the majority leader there need to be no worry on that score. This is hardly an auspicious beginning.

Second, I did not concoct the plan to include social security, medicare, medicaid, a massive and historic trade bill, and family assistance all in one bill. Nor did I develop the idea of not filing a clean bill, which the committee could have done, but filing a bill which is full of amendments so that you block the Senator from Oklahoma (Mr. HARRIS), me, and any other Member who may have an amendment because as the Senator from Connecticut (Mr. RIBICOFF) mentioned it is all done in the third degree.

So the doctrine of original sin does not make me feel guilty at all. This is the way the Senate Finance Committee wanted it. If the view of the Senate is going to be expressed in a fair way it is going to be fair to both sides. The Senate Finance Committee wanted it this way, this is the way the Committee on Finance reported the bill to the floor. The members of the committee must now be prepared to live with their decision. You asked for every one of these amendments to be voted on. You did; I did not. Therefore, if I require you to adhere to your original intention what is wrong with that? The Members of this Chamber know full well I want the family assistance plan considered as well as social security. But I will not be and I do not think anybody else should be "over weaned"—to use a kind word, because the trade bill is very bad legislation and we are being denied the opportunity to acquaint the country with this fact and being denied the opportunity to consider trade legislation in the way that it should be considered.

With all respect to the Senator, who is trying to make the best of a bad situation, I am compelled to object.

Mr. WILLIAMS of Delaware. If I may reply, I reply to the Senator from New York, my colleague and friend, with mixed emotions. What he is saying he wants done is exactly what I would like to accomplish, but I do not want to take the responsibility for underwriting a filibuster to defeat the bill. When the trade bill was offered on this bill I voted against it. I thought it was wrong to take a bill which came from the House and add it to the social security bill. I voted that way and will be voting that way on the Senate floor. There is no question about that.

On the other hand, I also voted against attaching the family assistance plan, which was rejected by our committee on three occasions, one time being rejected by a vote of 14 to 1, another time by a vote of 10 to 6, and I forget the rollcall vote the third time, but the majority of the committee refused to approve that bill.

The Senator from New York, much as I respect him, is trying to add the family assistance plan to this bill, which plan was defeated by our committee, but he is not willing to abide by the majority will of the committee which put the other one in. I am willing to abide by the will of the majority of the committee and the Senate in both cases.

I personally know no easier way to defeat the bill—in fact, there is no easier way—than to have a vote on every separate amendment. There are 280-odd amendments in this measure. The Senator can sit down and count them himself.

If the Senator from New York insists I know it will be carried out, because I respect him highly. If that is his wish then I will carry out his instructions, and when we get through we will have had 280 rollcall votes which will be reconsidered, and the number of rollcall votes will double to 560. I hope, if the Senator from New York wants to filibuster the bill he will do it differently than by rollcall votes.

I am only pleading with him to go along. I will support a motion to strike this trade section, and I do not see why he would object. I have been here only 24 years, and I do not claim to know as much about the parliamentary situation as the Senator from New York, but I just might hazard a guess that he might defeat his purpose by insisting on objecting to this request.

I would hate to see us get into such a snarl, and I plead with him to reconsider his position.

Before I yield to the Senator from Louisiana (Mr. LONG) let me add that certainly the leadership of the Senate is not necessarily on my side in these matters. The Presiding Officer will be the one to recognize Senators. I shall not control that. I do not have as much control over who is recognized as he will have. I am going to make my brief remarks here today, and I am trying to restore some semblance of order.

I call attention to the fact that yesterday we almost got into the situation where we would have had to have 135 rollcall votes before we got to the measure, just because of what could have happened. I do not want to see the Senate get in a posture which, as I said earlier, would make us appear more silly than that posture in which we are now appearing with five filibusters running at the same time. I would say we are going to have to get hats for the filibusters. We are going to have to get five different hats with different colors, and we are going to have to number the filibusters because we are getting to a situation where we do not know which side we are on and whether we are for them or not. I have never seen such a state of confusion as exists in the Senate today. I know that if this procedure is insisted upon we will be in an even greater state of confusion.

I have said repeatedly I am not going to filibuster this bill. I think there is logic enough in the argument I can present that it will persuade the Senate to defeat the family assistance plan, or what is better referred to as the guaranteed annual income. I am an optimist. I think I can defeat it. I will take my chances, and if I do not I shall congratulate the

Senator from Connecticut. But I am perfectly willing to abide by the decision of the Senate. I would consider it an indication of weakness on my part if I were afraid to face the Senate on a vote. I am not. I welcome the opportunity.

My position was sustained in the Finance Committee. The plan was defeated by a 14-to-1 ratio, and each time the Finance Committee overwhelmingly recognized the argument against starting on such an unsound plan as this. The committee sustained my position. I think the Senate will do likewise. If I am wrong I shall congratulate Senators and perhaps go home and, who knows, we may all live on welfare.

I say let us vote. If Senators are not afraid of their positions let us vote. I am not afraid to vote on it. I will vote against it, but I will be there. But I say let us vote, whatever the results.

I yield to the chairman of the committee.

Mr. LONG. Mr. President, just to make clear that what the committee has done is the usual way of doing business, may I remind the Senator and the Senate that last year we had a revenue bill in which we had so many amendments that the Senator from Louisiana, the chairman of the committee, asked that the whole bill be drafted as a substitute package for the House-passed bill. We did it that way last year. Some did not agree with that procedure. That is not the usual way of doing business, I must admit.

In that case Senators then proceeded to offer amendments first to the House bill. We had two tiers of amendments, amendments in the first and second degree being offered to the House bill, and then amendments in the first and second degree being offered to the committee bill, with the result that we had two tiers of amendments, each with a second tier on top of them, all of them being subject to be called up and debated. That proved to be a much more cumbersome way of proceeding than the way that is being proposed.

With regard to revenue bills, the Committee on Finance cannot report out a clean bill because the Constitution does not permit the Senate to originate revenue bills. They must originate in the House. The Senate is limited to the power to amend. What the Senate Finance Committee can do, within the power to which the Senate is limited, is to amend such bills, be it in the nature of a committee substitute or be it through amendments. The bill is subject to amendment, and the amendment is subject to amendment in both tiers, depending on the order in which Senators want to call their amendments up.

So the fact is that on a big revenue bill, one as controversial as this one is, with so many matters to be considered the possibilities of amendments are limitless, and even though we in the committee limit ourselves, we cannot limit Senators. They have a right to offer amendments.

Mr. WILLIAMS of Delaware. That is right. I would like to point this out further, which is a parliamentary fact of life from which we cannot escape. We can proceed any way we wish—the family assistance plan can be offered at the end of some committee amendment at this time or whenever a Senator gets recognized, but there is no possible parliamentary situation that can be obtained in the Senate whereby this bill can pass without Senators standing up and voting on the trade section. There is no way it can be done except by unanimous consent to strike out that section; and we know that consent will not be obtained so there is no possible way to do it.

So if all certain Senators want is a vote on the family assistance plan with the clear understanding and knowledge that it is not going to become law, then they are doing so with tongue in cheek, voting for something they never intend to become law. I say let them stand up and acknowledge their hypocrisy publicly, because that would be the most hypocritical action that could be taken.

I repeat, there is no possible way—and I will yield to any Senator who can challenge that statement—even if the family assistance plan is added to the bill, to get a vote on final passage of the bill without first standing up and voting on the trade and other sections. It cannot be done.

There is no way it can be done. So Senators would not be yielding any rights that they have by this agreement. In my opinion, to proceed otherwise would be to acknowledge that all we want is a vote on the family assistance plan with the full knowledge and consent that it is going down the drain; and I will be a party to no such hypocrisy.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. The Senator recognizes, does he not, that simply to agree to the committee amendments en bloc does not mean that the Senate is for the committee amendments? It just means that we will regard them as original text so as to expedite the completion of action on this bill.

Mr. WILLIAMS of Delaware. Certainly not, because some of the amendments, as the Senator knows, I would be voting against; and I shall be offering amendments to strike out some of these sections, because, as the Senator knows, I do not support some of them, and I have not changed my opinion. When an amendment to strike out the trade section is in order I expect to support it.

But that is not the issue here. We have a right to vote, whether we expect to win or lose, and I can certainly see us getting into a parliamentary snarl here. That is the reason why, as I said before, I arranged to be recognized first here today because I hope I can persuade the Senate of the logic of what I shall suggest.

Whoever the Chair recognizes in the days ahead under this procedure can move to table any amendment that is offered. A Senator can make a motion to lay it on the table immediately after it is offered, and the Chair can recognize the next man.

I shall be frank with the Senator that I do not see where he is gaining much by objecting to this request. I should like to have votes on four or five of committee amendments; and in fact, as I have stated, I shall insist on it. I shall be happy to designate those amendments which I should like to vote on and have a time limitation on the particular amendments; but I can get recorded before this bill is passed by offering an amendment to strike. That is easy, and the only thing I have lost is one vote; and I am optimistic that we have enough votes anyway.

I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, it is ironical to have a supposed enemy of this program, who desires to defeat family assistance, trying to work out a program to give us an opportunity to vote, and the distinguished Senator from New York, who is an outstanding friend and supporter of the family assistance program, putting the Senate in the position where the family assistance program will be defeated.

The Senator from Delaware, from the start, has been consistently against the family assistance program. The Senator from New York has indicated that he desires to be a cosponsor of the family assistance program. The irony of the entire situation is that it is a Republican President who has sent this proposal to Congress, and it is a Democrat on this side who is doing everything he can to see that the family assistance program is passed. The Senator from Delaware had been adamant from the start about having a series of votes and using the parliamentary procedure to prevent a vote on the family assistance plan.

After conversation and discussion among many of us who were interested, we tried to work out a method of procedure to give every Member of this body an opportunity to try to perfect this proposal. I know that the Senator from New York would like to see adopted many of the proposals that the Senator from Oklahoma would like to submit. That is my understanding, and if I mistake the Senator from New York I would like to be corrected. I was aware at all times that the Senator from Oklahoma had a series of amendments on which the Senator from New York saw eye to eye with him. I thought, out of fairness to every Member of this body, we had to get ourselves into a parliamentary situation to give the Senator from Oklahoma and every Member of this body an opportunity to have a vote on this amendment, up or down.

Now we are in a situation, of course, where we have come back to where we started. I shall still try to get recognition, if unanimous consent is not agreed to, to offer the Ribicoff-Bennett proposal. If it is done that way, then we can only debate the Ribicoff-Bennett proposal; it is not subject to amendment by any other Member of this body.

I have a telegram that was sent to me, signed by six former Secretaries of Health, Education, and Welfare, Republican and Democratic: Oveta Culp Hobby, Marion B. Folsom, Arthur S. Flemming, John W. Gardner, Wilbur J. Cohen, and Robert H. Finch, telling me that they approve the Ribicoff-Bennett proposal, and they believe it to be a ma-

jor step toward the urgently needed reform of the current welfare system.

I cannot agree with the Senator from Delaware when he says that this is all a charade. I recognize how slim the chance will be to finally adopt the family assistance program, or any other part of this bill. The clock is indeed running out on us. But here is a program that the President of the United States has had before Congress and the country for a year and a half. It has been a controversial program. Hearings have been held in the House of Representatives and in this body, and much time has been spent.

I believe it becomes very important for the country to find out how the Senate actually feels. I would hope that this bill could be passed in sufficient time for a conference, but if it cannot be passed sufficiently in advance to permit a conference and for final approval by January 3, at least we will have indicated sufficiently to the Nation that Congress with the President of the United States, makes a commitment toward eliminating poverty which would enable us, early in the next session, in January or February, without further hearings, to take up the Social Security and Family Assistance programs.

I would sincerely hope that the distinguished Senator from New York, who does not have to yield to any man in his concern for those in poverty, those people on welfare, and the most unfortunate part of our population, would consider what is happening as a result of his objection. I would hope the Senator would reconsider his objection to permitting these amendments to be adopted en bloc, and then letting the Senate proceed in an orderly way to discuss, to debate, and to amend the family assistance program, and proceed to a final vote.

Mr. WILLIAMS of Delaware. Mr. President, I certainly hope the Senator and I can obtain that agreement. I do not see how it can possibly ever get to a vote unless there is some kind of agreement here in the Senate. As I pointed out before, surely we can get to a vote on the family assistance plan. Senators can offer amendments to anything which may come before the Senate. But we cannot get away from the fact that we cannot vote on title IV until after the vote on title III if we follow the regular procedure, or vote on title V until we have disposed of the other four.

I am just trying to get some order and get it where at least we may be able to achieve the results of a vote.

I would like not to be tied up here all of Christmas week, but I am afraid if we do not follow such a procedure that is what is going to happen. I shall yield in a moment to the Senator from Iowa. He is one Senator I have been talking with who has made the point that he did not want any agreement entered into that would preclude him from the right to offer amendments to the Bennett-Ribicoff amendment; and other Senators, if they have amendments to be offered, have a right to be heard and have them considered. I hope we can obtain this agreement.

But I yield now to the Senator from Iowa, without relinquishing my right to the floor.

Mr. MILLER. Mr. President, I thank my friend from Delaware. I commend the Senator from Delaware for what he is trying to do. However, in view of the comments from the Senator from New York, I would suggest—and I hope the Senator from New York will comment on it—that instead of going whole hog, so to speak, and asking the Senate to consider all of the committee amendments en bloc, we proceed by asking unanimous consent to consider the committee amendments en bloc by title, so that the concern of the Senator from New York about the trade title can be made manifest in due course.

In the meantime, we can make some progress by taking up the other preceding titles, giving us a chance to debate the family assistance plan and welfare reform, and if the Senator from New York will agree to that, then I think we can start moving.

Of course, if he will not agree to it, we are right back where we started from. I suggest that this may be a midground on which we could all agree.

Mr. WILLIAMS of Delaware. The difficulty with that is we cannot ask unanimous consent to consider title 4 until we hit title 3, and the Trade Act is in the middle; that cannot be changed. It is there. I can see why the Senator from New York or those who oppose the Trade Act would not want to agree to titles 1 and 2 en bloc, because if we did the Trade Act would immediately be before the Senate. I am not trying to fool anyone on this.

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

Mr. WILLIAMS of Delaware. I yield, without losing my right to the floor.

Mr. JAVITS. Mr. President, I have heard with the greatest of interest the views of my colleagues, and I am not obdurate or difficult at all.

As to the gentle irony of the Senator from Connecticut, I respect and admire him greatly, and I yield to no one in my affection for him. But it is not unusual to put the screws on a Member who has the temerity to stand up against other Members who want to do something they want to do. The Senator from Connecticut may not have the same feeling I do about the trade title, which I think could be disastrous to our country. I believe that I cost the aged nothing—indeed, I get them something; because, instead of being tied up in a whole package which is bound to have a disastrous effect, they ultimately will be extracted from it and will have their social security; and I hope very much that we will have that and the family assistance plan for the poor of the country considered, as they should be, alone and on their merits, without being used as a Judas goat for the trade bill.

I understand the feeling of every Senator, and he has an absolute right to say what he does and to make it as tough for me as possible. But every Senator has to obey his conscience as to what he considers to be the highest interests of the people in his State and of the Nation, and I think I have done so in this.

As to the statement made by my friend, the Senator from Delaware, as to the state of confusion, this is war. War is always confused. Yet, somehow or other, great captains have emerged. Somehow or other, when the confusion is over, something decisive has happened. I have deep confidence that something decisive is going to happen here, but there will be a little confusion to start with.

So, with all respect, I am not at all dismayed by these pleas and entreaties. I know that the Senators know they do not have to make them to me. It does not make any difference, anyway. But I should like to explain my own position, because I think that is owed to the Senate and is important.

In the first place, I do not stand alone, and I knew nothing about this until this minute, except by rumor. Therefore, the very least—and it is always the most profitable way one could do it—would be to tell a Member such as myself: "We are going to ask for this. We think it is good for you. Call a meeting of your supporters and find out whether or not they agree with you, and come to the floor with a position which is reflective of the view of your side."

This was not done. I am caught flatfooted, as it were. I have to object or not object, or the cow is out of the barn.

Second, this is a lameduck Congress. A new Congress has been elected, which will come into office on January 3. Yet, the attempt is being made to decide massive questions of national policy within a few days, and that is all we have in a lame duck Congress, the meeting of which itself is highly questionable—certainly on such profound issues as those we face now.

It is one thing to complete our business. We have appropriation bills or other bills on which we have been working a long time, which were voted by the House and the Senate and on which the judgment has been made, and we are trying to reconcile differences, and so forth. But these are brand new things, enormous things, of greatest consequence to the future history of our country and, in the case of the trade bill, perhaps the world. Yet, we are now under great pressure. Otherwise, we would be unkind to the poor, who have to live in this world, too, unless we go right along now and vote these things out under limitation of debate of hours or by arrangements such as the Senator suggests, without even an opportunity to consult one's colleagues who are similarly minded.

I would most respectfully suggest that, instead of putting Senators such as myself on the spot, which is not fair, but I will object—I am telling the Senate now that I will object.

I think it is very unwise and unfair, and I think that Senators such as myself should have an opportunity to get together with their fellows and come in tomorrow and say whether we agree or disagree and why, in some kind of coordinated way, instead of being faced with this on the floor; and then there are entreaties and the fact that I, too, am devoted to the FAP, and so forth, on the theory that one has to yield his judgment and his conscience and say, "Yes."

I am terrible sorry, but my people did not send me here to have that kind of brain or that kind of will.

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

Mr. WILLIAMS of Delaware. I should like to reply to the Senator from New York.

I am going to make a copy of his speech and use it later when we get into debate on the family assistance plan because he has expressed my sentiments exactly about how unsound it is to bring up proposals which have been rejected by the committee and which are not germane to the bill before the Senate. I thank him, because it is a much better speech than I shall be able to prepare, and I am going to deliver it, with his consent of course, and I will credit him later.

He has made a strong argument against approving the family assistance plan.

As to the question that confusion will result and that the cow will be out of the barn, I will say that if this objection persists I am afraid it will not be a matter of the cow out of the barn but the bulls in the china shop before we get out of here today, because I can see a mess created.

I would repeat this point. We cannot get final passage on the family assistance plan, the social security increases, or any other proposal in this bill until the Senate first calls the roll on the Trade Act. It cannot be done. There is no possible way under Senate Rules unless there is unanimous consent to strike the Trade Act out and there is unanimous consent that no one will offer any amendments dealing with the Trade Act. We know that that is not possible.

If we are going to be on notice that this is going to be filibustered regardless of whatever we do this late in the session I would most respectfully suggest to the leadership to pull this bill down unless we can get an agreement that there is going to be some orderly process here. I would dislike sitting here for the next 12 or 14 days—I will not mind it so much because I have quite a little time ahead of me in which to rest and enjoy it while the rest of the Senators are back here working. I do not see the idea of sitting here the next 12 or 14 days, spinning our wheels at Christmastime, giving the impression to 13 or 14 million elderly people, "We're going to give you a 10-percent increase in your social security benefits; we're going to raise your minimum to a hundred dollars; we're going to give you a cost of living escalation; we're going to give you the family assistance plan," when 100 Senators know that is not going to develop. Let us not kid them. This is Christmas. It is cruel to these people who have no knowledge as to what we are doing; it is cruel to mislead them. I think it is a hoax.

I hope that the Senate in the closing days of this session will have more Christmas spirit in its bones than to promise this to a lot of people who need it and to whom Senators know they will not be able to deliver it.

I say let us lay it aside if we are not going to vote on it. I am willing to vote on it.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. I think it is about time for the Senator to stop, because my heart is beginning to bleed.

All I want to say is that the leadership will not pull this bill down. We will stay with it until a decision, if possible, is reached one way or the other.

In the meantime, because of the time we are wasting and the filibustering going on, and the filibustering within the filibusters, the minutes fly by, the hours are passing, and the days are rapidly fading into the distance of the new year. We have approximately 10 days left in which to attend to this matter and other matters. We have at least six filibusters, perhaps seven now, of various sorts going on. We are looking foolish.

I find no fault in serving in a lameduck Congress, may I say, because every Member is elected to serve as a representative of the people until noon on the 3d of January next year. I do not denigrate any Member who is serving out his last months—in this instance, his last days—because he is carrying out his responsibilities; he is performing his duties as he is supposed to.

I am wholeheartedly in accord with the proposal made by the distinguished Senator from Delaware that the committee amendments be considered and approved en block. In that way, we can make some progress and stand a small chance of disposing of the proposed legislation. Without that, there is no chance.

Mr. WILLIAMS of Delaware. Mr. President, I do not know that it would serve any purpose, but I should like to try. I am going to suggest the absence of a quorum, if I may, without losing my right to the floor, in order that we may discuss this subject a little further with some Senators, in the hope that we may reach an agreement. But if we cannot, I will call off the quorum and will resume my remarks.

I ask unanimous consent that I may be permitted to suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had 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. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

The message also announced that the House had disagreed to the amendments of the Senate to the amendments of the House to the bill (S. 1181) to provide for potato and tomato promotion programs; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. FOLEY, Mr. VIGORITO, Mr. SISK, Mr. BELCHER, Mr. TEAGUE of California, and Mr. WAMPLER were appointed managers on the part of the House at the conference.

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 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.

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 House to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, 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. 6114) for the relief of Elmer M. Grade.

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 amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, 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. 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.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of 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 improve-

ments in the operating effectiveness of such programs, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, without too much hope of getting it agreed to, I send to the desk a unanimous-consent request.

The PRESIDING OFFICER. The proposed unanimous-consent request will be stated.

The assistant legislative clerk read as follows:

I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and as agreed to be considered as original text for the purpose of amendment.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The unanimous-consent request is not agreed to.

The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I regret very much that we are placed in this position because I think it would have been the most orderly procedure to have offered the amendments as they came before the Senate. I was perfectly willing, as I said before, to debate the family assistance plan when it was before us. Other Senators could have gotten recognition as far as I am concerned immediately after I release the floor, which would have been in very short order, and whoever is recognized could have been recognized. I told the Presiding Officer that the Senator from Connecticut wanted to be recognized next, and he could have presented his family assistance plan and it would have been before the Senate in an orderly manner. In that way it could have been debated, amended, or whatever the Senate saw fit to do. I respect the right of Senators to proceed as they see fit. I would take the same position if I felt as they do. But we are confronted with this situation.

It is obvious we are not going to get this bill enacted until we face the question of what we do or do not do with the trade agreement section. There is no possible parliamentary situation that could develop in the Senate where the Senate could vote on final passage of the bill without first having accepted or stricken from the bill the trade agreement section, which is title III. There is no possible way that could be done so we will have to face this issue first.

The reason I would have liked to have this agreement is that I think it is most unfortunate if the roll were called on the question of raising social security benefits by 10 percent and raising the minimum to $100, together with all the other benefits, and have that news go over the country so that the people would believe they are going to get those increases just a few days before Christmas, when every single Member knows it will not become law under those circumstances unless we can settle the trade issue in the Senate.

Therefore, since this situation has developed, we should face the issue. As I said before, I voted against placing the trade section in this bill. I would hate to see the Senate take that step. I know a majority of the committee, and a substantial majority of the committee, voted to put this section in the bill as title 3. I respect the decision of the majority of the committee. The majority of the committee by a vote of 14 to 1 rejected the family assistance plan on one occasion, by a vote of 10 to 6 on another occasion, and I forgot the vote on a third occasion but it was by a substantial margin. So we have that situation.

I am willing to face all of this but I am a great believer that if we are going to have a lot of filibuster let us have it and get it over and either settle the issue or not.

Therefore, even though I am opposed to and object to the trade section, I am going to submit an amendment to the bill that provides that at the end of the committee amendment we insert an amendment which is the Trade Agreement Act. We will settle that issue right now and then proceed with the rest of the bill in an orderly fashion, I hope.

Therefore, Mr. President, I send to the desk an amendment to be inserted at the end of the pending committee amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. It is just the title of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of page 8 insert a new title as follows:

TITLE II—QUOTAS ON CERTAIN TEXTILE AND FOOTWEAR ARTICLES

CHAPTER 1—TEXTILE AND FOOTWEAR ARTICLES

SEC. 201. ANNUAL QUOTAS.

(a) The total quantity of each category of textile articles (as defined in section 206 (1)), and the total quantity of each category of footwear articles (as defined in section 206(2)), produced in any foreign country which may be entered during 1971 shall not exceed the average annual quantity of such category produced in such country and entered during 1967, 1968, and 1969.

(b)(1) The total quantity of each category of textile articles, and the total quantity of each category of footwear articles, produced in any foreign country which may be entered during any calendar year after 1971 shall not exceed the sum of—

(A) the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year, plus

(B) the increase (if any) applicable under paragraph (2).

(2)(A) The President may increase the total quantity of each category of textile articles, and the total quantity of each category of footwear articles, produced in any foreign country which may be entered during any calendar year after 1971 by such percentage (not to exceed 5 percent of the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year) as he determines to be consistent with the purposes of this section.

(B) Any increase under this paragraph for any category for any calendar year shall be the same percentage for all foreign countries.

(C) A determination shall be made under this paragraph for each category for each foreign country for each calendar year after 1971 without regard to the nonapplication (or partial nonapplication) of this subsection to such category for such country for such year by reason of subsection (d) of this section, section 202 or 203, or the Arrangement or the Agreement referred to in section 204(b).

(3) If the application of this subsection to any article produced in a foreign country begins or resumes after a period of nonapplication which terminates on or after January 1, 1972, and if the President determines—

(A) that the average annual quantity of the article produced in such country, which was entered during 1967, 1968, and 1969 was insignificant, and

(B) that the application of this paragraph to the category which includes such article for such country is consistent with the purposes of this section,

then for the calendar year in which such termination occurs and for calendar years thereafter this subsection shall be applied by determining the total quantity for the category which includes such article for such country for the calendar year of termination as being equal to the average annual quantity of such category, produced in such country, which was entered during the 3 calendar years immediately preceding such calendar year of termination.

(c)(1) Any annual quantitative limitation under subsection (a) or (b) shall be applied on a calendar quarter or other intra-annual basis if the President determines that such application is necessary or appropriate to carry out the purposes of this section.

(2) If the application of subsection (a) or (b) to any category for any foreign country begins or resumes after the first day of any calendar year, the amount of the quantitative limitation for such category for such country for the remainder of such calendar year shall be the annual amount determined under subsection (a) or (b), adjusted pro rata according to the number of full months remaining in the calendar year after the date of such beginning or such resumption.

(d)(1) The President may exempt from subsections (a) and (b) for an initial period of not to exceed 1 year any textile article or footwear article produced in any foreign country if he determines that imports of such article produced in such country are not contributing to, causing, or threatening to cause market disruption in the United States. The President may extend any exemption under the preceding sentence for one or more additional periods of not in excess of 1 year each if he makes the determination described in the preceding sentence before each such extension. Any exemption made under this subsection may be terminated by the President at any time upon his finding that the article covered by such exemption is contributing to, causing, or threatening to cause market disruption in the United States.

(2) The President may exempt from subsections (a) and (b) any textile article or footwear article produced in any foreign country whenever he determines that such an exemption is in the national interest. The President may terminate any exemption made by him under the preceding sentence whenever he determines that such termination is in the national interest.

(3) No exemption, extension of an exemption, or termination of an exemption under paragraph (1) or paragraph (2) shall take effect before the 30th day after the day on which notice of such exemption, extension, or termination is published in the Federal Register.

(c) The Secretary of Commerce shall compute the quantities provided for in subsections (a) and (b).

SEC. 202. ARRANGEMENTS OR AGREEMENTS REGULATING IMPORTS.

(a) The President is authorized to conclude bilateral or multilateral arrangements or agreements with the governments of foreign countries regulating, by category, the quantities of textile articles or footwear articles, or both, produced in such foreign countries which may be exported to the United States or entered and to issue regulations necessary to carry out the terms of such arrangements or agreements. In concluding any arrangement or agreement under this subsection, the President shall take into account conditions in the United States market, the need to avoid disruption of that market, and such other factors as he deems appropriate in the national interest.

(b) Whenever a multilateral arrangement or agreement concluded under subsection (a) is in effect among the countries, including the United States, which account for a significant part of world trade in the article concerned and such arrangement or agreement contemplates the establishment of limitations on the trade in the article produced in countries not parties to such arrangement or agreement, the President may by regulation prescribe the total quantity of the article produced in each country not a party to such arrangement or agreement which may be entered; but the total quantity for any category for any country for any calendar year may not be less than the total quantity which would be permitted to be entered if section 201 (a) and (b) applied to such category for such country for such year.

(c) Section 201 shall not apply to articles produced in foreign countries which are subject to an arrangement or agreement entered into under subsection (a) or to regulations issued under subsection (b).

SEC. 203. INCREASED IMPORTS WHERE SUPPLY IS INADEQUATE TO MEET DOMESTIC DEMAND AT REASONABLE PRICES

In carrying out sections 201 and 202, the President may authorize increased exports to the United States or increased entries in the United States of textile articles or footwear articles of any category whenever he determines that the supply of textile articles similar to those subject to limitation under such sections will be inadequate to meet domestic demand at reasonable prices.

SEC. 204. EXCLUSIONS

(a) The import restrictions provided for in this title do not apply to any article exempted from duty under part 2 of schedule 8 of the Tariff Schedules of the United States or to any article the entry of which is regulated pursuant to paragraph (4), (5), (6), or (7) of section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a). To the extent provided in regulations prescribed by the Secretary of Commerce, the import restrictions provided for in this title shall not apply to other articles imported in noncommercial quantities for noncommercial purposes.

(b) This title shall not apply to (1) articles subject to the Long-Term Arrangement Regarding International Trade in Cotton Textiles, so long as the United States is a party thereto, or (2) the articles produced in the Philippines provided for in item B (cordage) in the schedule to paragraph 1 of article II of the 1955 Agreement With the Philippines Concerning Trade and Related Matters, so long as such Agreement remains in effect.

(c) Nothing in this title shall affect the authority provided for under section 22 of the Agricultural Adjustment Act of 1933, as amended.

SEC. 205. ADMINISTRATION

(a) The rulemaking provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply with respect to sections 201(b)(2), 201(b)(3), 201(d)(1), 202(b), 203, 204(a), and 206.

(b) All quantitative limitations established under this title or pursuant to any arrangement or agreement entered into under this title, all exemptions established under this title and all extensions or terminations thereof, and all regulations promulgated to carry out this title shall be published in the Federal Register. The Secretary of Commerce shall certify to the Secretary of the Treasury for each period the total quantity of each textile article and footwear article produced in each foreign country the entry of which is affected by such a quantitative limitation on importation; and the Secretary of the Treasury shall take such action as may be necessary to ensure that the total quantity so entered during such period shall not exceed the total quantity so certified.

(c) There shall be promulgated as a part of the appendix to the Tariff Schedules of the United States, Annotated, all quantitative limitations and exemptions established under this title or pursuant to any arrangement or agreement entered into under this title and all quantitative limitations established pursuant to the Arrangement referred to in section 204(b).

SEC. 206. DEFINITIONS.

For purposes of this title—

(1) The term "textile article" includes any article if wholly or in part of cotton, wool or other animal hair, human hair, man-made fiber, or any combination or blend thereof, or cordage of hard (leaf) fibers, classified under schedule 3 of the Tariff Schedules of the United States; any article classified under subpart B or C of part 1 of schedule 7 of such schedules if wholly or in substantial part of cotton, wool, or man-made fiber; any other article specified by the Secretary of Commerce which he has been advised by the Secretary of the Treasury would be classified under any of the foregoing provisions of the schedules but for the inclusion of some substance, material, or other component, or because of its processing, which causes the article to be classified elsewhere; and any of the foregoing articles if entered under item 870.00 of such schedules, or under the appendix to such schedules; but such term does not include articles classified under any of items 300.10 through 300.50, 306.00 through 307.40, 309.60 through 309.75, and 390.10 through 390.60, inclusive, of such schedules.

(2) The term "footwear article" includes footwear provided for in any of items 700.05 through 700.45, inclusive, item 700.55, items 700.66 through 700.80, inclusive, and item 700.85 of the Tariff Schedules of the United States.

(3) The term "category" means a grouping of textile articles, or a grouping of footwear articles, as the case may be, as determined by the Secretary of Commerce, for the purposes of this title, using the five-digit and seven-digit item numbers applied to such articles in the Tariff Schedules of the United States, Annotated, as published by the United States Tariff Commission.

(4) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(5) The term "produced" means manufactured or produced.

(6) The term "foreign country" includes a foreign instrumentality.

CHAPTER 2—EFFECTIVE PERIOD

SEC. 211. TERMINATION OF TITLE, EXTENSION UNDER CERTAIN CONDITIONS

(a) Unless extended under subsection (b), this title shall terminate on July 1, 1976.

(b) The effective period of this title may be extended in whole or in part by the President after July 1, 1976, for such periods (not to exceed 5 years at any one time) as he may designate if he determines, after seeking advice of the Tariff Commission and of the Secretary of Commerce and of the Secretary of Labor, that such extension is in the national interest.

(c) The President shall promptly report to Congress with respect to any action taken by him under subsection (b).

(d) Nothing in this section shall affect the validity of any arrangement or agreement entered into under section 202(a) before the termination of this title or of any regulations issued under section 202 in connection with any such arrangement or agreement.

TITLE III—TRADE AGREEMENTS

SEC. 301. BASIC AUTHORITY FOR TRADE AGREEMENTS

(a) Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)) is amended by striking out "July 1, 1967" and inserting in lieu thereof "July 1, 1975".

(b) Section 201(b)(1) of such Act is amended to read as follows:

"(1) decreasing any rate of duty—

"(A) in order to carry out a trade agreement entered into before July 1, 1967, to a rate below 50 percent of the rate existing on July 1, 1962; or

"(B) in order to carry out a trade agreement entered into after June 30, 1967, and before July 1, 1975, to a rate below the lower of—

"(i) the rate 20 percent below the rate existing on July 1, 1967; or

"(ii) the rate 2 percent ad valorem (or ad valorem equivalent) below the rate existing on July 1, 1967; or".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) No proclamation pursuant to subsection (a) shall be made in order to carry out a trade agreement entered into after June 30, 1967, and before July 1, 1975, except to proclaim (1) increased or additional import restrictions and (2) such modifications as may be necessary to fulfill concessions granted as compensation for import restrictions imposed by the United States."

(d) Sections 202, 211 (a) and (e), 212, 213(a), and 221 of such Act are each amended by striking out "201(b)(1)" and inserting in lieu thereof "201(b)(1)(A)".

(e) Section 256 of such Act (19 U.S.C. 1886) is amended by adding at the end thereof the following new paragraph:

"(8) The term 'existing on July 1, 1967', as applied to a rate of duty, refers to the lowest nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on such date or (if lower) the lowest nonpreferential rate to which the United States was committed on July 1, 1967, and with respect to which a proclamation was in effect on July 1, 1970."

SEC. 302. STAGING REQUIREMENTS

(a) Section 253(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1883) is amended by striking out "trade agreement under this title" and inserting in lieu thereof "trade agreement entered into before July 1, 1967, under this title".

(b) Section 253(c) of such Act is amended by striking out "trade agreement entered into before July 1, 1967, under this title."

(c) Section 253 of such Act is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (e) the following new subsection:

"(d) Except as otherwise provided in section 254, the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under this title after June 30, 1967, and before July 1, 1975, shall not exceed the aggregate reduction which would have been in effect on such day if—

"(1) one-half of the aggregate reduction under such agreement for such article had taken effect on the date of the first proclamation pursuant to section 201(a) to carry out such trade agreement, and

"(2) the remaining one-half of such aggregate reduction had taken effect 1 year after the date referred to in paragraph (1).

In applying the preceding sentence to any article, if, on the date referred to in paragraph (1) of the preceding sentence, there remained reductions pursuant to a prior trade agreement which had not yet taken effect, such remaining reductions shall be deemed to be included within the aggregate reduction under the trade agreement entered into after June 30, 1967, and before July 1, 1975."

(d) Subsection (e) of such section 253 (as redesignated by subsection (c) of this section) is amended—

(1) by striking out "a reduction takes effect" and inserting in lieu thereof "a reduction under any trade agreement entered into under this title takes effect"; and

(2) by striking out "subsection (c)" in paragraph (2) thereof and inserting in lieu thereof "subsection (c) or (d)(2)".

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. WILLIAMS of Delaware. I yield, with the understanding that I do not lose my right to the floor.

Mr. JAVITS. Yes, with the understanding that the Senator does not lose his right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, as I heard the amendment read, it did not make any change in the original committee amendment—that the wording is the same as title III of the bill. Therefore, I ask the Chair whether such an amendment is in order. I realize something may be added to it. The Chair has it there for examination. I did not hear that it made any change in the original committee amendment.

The PRESIDING OFFICER. There is no rule that prevents its being offered. Later, if it appeared to be redundant, a motion could be offered to withdraw it or to strike. The committee amendments are not a part of the bill until they are agreed to on the floor.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. My inquiry is directed to whether a point of order would lie against this amendment because it does not actually amend any part of the committee amendment. The Chair has the amendment before him.

The PRESIDING OFFICER. The Chair is of the opinion that a point of order would not lie at this time.

Mr. JAVITS. Could the Senator from New York have the Chair's reason, according to the Parliamentarian?

Mr. WILLIAMS of Delaware. Mr. President, may I comment? It would not lie for the same reason that a point of order would not lie against the family assistance plan. I checked into both of them. I think it would have been better if we had done otherwise, but the Parliamentarian very clearly stated that the amendments are in order. The family assistance plan would be in order as the Senator from Connecticut was going to offer it.

Mr. President, this amendment is being offered on behalf of the Senator from Georgia (Mr. TALMADGE) and the Senator from Arizona (Mr. FANNIN). I am in this position. I disagree, as I told the Senators, with the trade section in this bill, but I do think that if we are going to have to face it before anything is done, I want it faced head on and I do not want to disillusion a lot of these people. I am reserving the right to vote against this amendment.

I would be willing to withdraw this amendment—and the Senator knows I have bent over backward to get an agreement. This is not a threat; I am not offering it in that way—if we could have unanimous consent to let this go over until tomorrow, when Senators could have time to think this over, and maybe we could get together. I would withdraw this amendment and would be the first to renew my request if we could have that unanimous-consent agreement. I hope it can be done. I think this would be the better way to proceed.

I am caught in the situation. I have no choice, because the minute I release the floor I know the family assistance plan will be offered, which is another unrelated bill, not subject to a point of order again, as the Senator points out.

If we are going to face this decision later let us just face it now.

If we can get unanimous consent to lay this bill aside until tomorrow at the 3 o'clock session with the understanding that I resume my right to the floor so there will be the same parliamentary situation I shall withdraw that amendment and express the hope that with Senators who agree to this trade section we would reach an agreement on the amendments.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. I did not ask my question with a view to challenging the Senator. I wanted to get the parliamentary situation for other amendments which I or other Senators may offer.

I might say, as I said earlier, Providence may be leading us by the hand. The trade amendment is the sticking point in the bill, and the Senator has properly tabbed it, and let us have it out. Let the administration face it and let us face it. Let us try to find our way out of this maze. It may be the best thing to do.

I ask nothing from the Senator at all. He has offered an amendment.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield without losing the floor?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. The Senator from Delaware has offered an amendment to the pending committee amendment. I ask this as a parliamentary inquiry. For the information of the Senate, is the Senator from Michigan correct that no further amendment may be offered to the trade amendment which the Senator now has before the Senate?

The PRESIDING OFFICER. The Chair is of the opinion that this is an amendment in the second degree and is therefore not open to further amendment.

Mr. GRIFFIN. So if we proceed to a vote on this amendment, we will have to vote it up or down?

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS of Delaware. I agree with that ruling. That is as I understand it. It is most unfortunate, but that is the situation.

I am only offering this trade amendment to point up the situation we would be in with the family assistance plan. The same thing would be true.

I hope the Senate will not get into this posture on either of these bills. I want them voted up or down.

If the Senator made a motion to strike out this trade section and it were in order I would expect to support it. Any Senator can offer such a motion. It may be amended in a form that both the Senator and I would be supporting. Perhaps we would not.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. I am aware of what the distinguished Senator has in mind, and I would be hopeful, under the complexities of the situation, that he would proceed as he is doing. I do not think the leadership on either side is making any suggestion that we go over until 3 o'clock tomorrow.

Mr. MANSFIELD. No. I think we ought to stay on the pending measure. I am sorry that in my absence—not because of my absence—but in my absence the request of the distinguished Senator from Delaware, which would have brought about the acceptance of all committee amendments and would have in effect presented us with a clean bill, was not agreed to. I think that what he suggested was proper and was the appropriate and efficient way to proceed. This way we are getting the cart before the horse.

Frankly, I do not know what position we are getting into, but we ought to get accustomed to being confused. I think we ought to take advantage of whatever hours are left and do what we can to act on the President's program.

Mr. SCOTT. My purpose is to get those measures in the President's program which can be enacted, if at all possible, written into law. I do not see anything to be gained by going over until 3 o'clock on this or any other amendment.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield for an observation, with the understanding that he does not lose the floor and that his speech will not be counted as a second speech?

Mr. WILLIAMS of Delaware. I yield with that understanding.

Mr. CURTIS. I would like to point out that there are many things in this voluminous bill. There are many improvements in many of our social programs. There are improvements in the medicaid program. There are improvements in the medicare program.

If we labor for days and perfect this bill, and then in the end see it all come to naught because of extended debate

on the trade portion of the bill, then the whole Senate has wasted its time. It has labored for nothing. It was held out to the country that certain acts would be taken and certain things would be corrected and certain problems would be solved, but then we would come to the end of the line and there would be no legislation because of the filibuster on the trade bill.

So since that is the only one feature where it appears there might be a filibuster, I think the thing to do is to face up to it now rather than labor here for days, improving or rejecting or approving family assistance and all the other provisions in the bill only to have the entire bill come to naught.

Suppose we got a social security, medicare, and welfare bill that met with the approval of the majority of the Senate, after long hours and days of work; then, face a filibuster over trade, it is better that we face that threat right now. I thank the distinguished Senator for yielding. I believe that it is the interests of the time of all the Senators that we face this issue of the trade portion of this bill. I did not support all of the trade portion. I am inclined to support that which is within or near the purview of that recommended by the administration.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. Yes.

The PRESIDING OFFICER. The Senator yields without losing his right to the floor.

Mr. JAVITS. Mr. President, I should like to point out to those who have made comments that the President of the United States, in a letter to the Senator from Pennsylvania (Mr. SCOTT) dated December 10, 1970, stated that he says he is strongly against this measure.

The President wrote:

> The well-being of the United States requires this trade legislation. I must urge, therefore, that the Senate examine these matters with great care, in an endeavor to put this legislation into acceptable form. I would hope that such legislation could be passed at this session of Congress.

So the President himself, Mr. President, has invited very careful consideration of the matter. He has flagged its critical importance, and, as I said a minute ago, it may very well be that Providence is leading us by the hand in respect to what the exigencies have compelled the Senator from Delaware to do.

I should like to make, in conclusion, just one further parliamentary inquiry, Mr. President, if I may have the attention of the Presiding Officer and the Parliamentarian.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. If this amendment, Mr. President, is rejected either by tabling or by rejection on a vote, does that displace in any way title III of this bill, the so-called trade title?

The PRESIDING OFFICER. It does not.

Mr. JAVITS. So title III would still remain to be voted up or down, no matter what we did about this amendment?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank my colleague. Now may I say to the Senator from Delaware that though I think, as I say, that Providence may have led us all by the hand in the right direction, I shall nevertheless take the occasion, when, as, and if we adjourn tonight, to gather my colleagues together and, still without any assurance that it may or may not be done, give the Senate our best judgment as to how we think the Senate and its work may be facilitated and our consciences and our principles sustained in respect to this matter. I thank the Senator very much for his kindness in yielding.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS of Delaware. I yield to the Senator from Nebraska for a parliamentary inquiry.

Mr. CURTIS. Under unanimous consent that he not lose the floor or any of his rights.

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

Mr. CURTIS. Suppose the amendment now offered by the distinguished Senator from Delaware is agreed to by the Senate, and thereafter, when the committee amendment dealing with trade is presented, it is voted down; does the Williams amendment still remain in the bill?

The PRESIDING OFFICER (Mr. SAXBE). It would remain if thereafter the bill was passed, with the Williams amendment, as agreed to, as a part of the original bill.

Mr. WILLIAMS of Delaware. Mr. President, I have checked this point, and I agree with the ruling of the Chair. It would be redundant because to a certain extent it would be repetitious, and since there was nothing in the bill itself when it went to conference, one of the sections could be dropped.

Mr. President, as I said, I regret the parliamentary situation in which we find ourselves, but I think we should face this issue. I say again that if, tomorrow when we reconvene, this matter has not been disposed of, and we can get an agreement on these amendments en bloc, I shall be the first to support a withdrawal of this amendment, so that we can proceed in an orderly fashion, because I think it would be much better.

However, since we cannot, I feel that we have no choice here, because I think we had just as well face up to the issue.

To make sure that we do, I ask for the yeas and nays on my amendment. I yield the floor.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, is this to vote on the pending amendment?

Mr. WILLIAMS of Delaware. Yes.

Mr. MANSFIELD. Will the Senator try to get a time limitation, so we can get on with the bill?

Mr. WILLIAMS of Delaware. Mr. President, we do not need a time limitation, because I, too, think we should get on with the bill. I ask that the clerk call the roll.

Several Senators addressed the Chair.

Mr. JAVITS. I did not hear that. What was the the unanimous-consent request?

Mr. WILLIAMS of Delaware. I am just trying to expedite the work of the Senate. I said, "Let's call the roll."

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

The assistant legislative clerk proceeded to call the roll.

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

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

REGULATION OF THE PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1626.

The Presiding Officer (Mr. STEVENSON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, which were, on page 13, strike out lines 14 through 22, inclusive, and insert:

> SEC. 17. Section 14–307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

On page 14, after line 5, insert:

> SEC. 20. Section 5 of the Act of May 28, 1924 (D.C. Code, sec. 2–505), is amended by inserting after "discharge of its duties" the following: "and for the regulation of the practice of optometry in the District of Columbia, including the regulation of unprofessional conduct for optometrists in the District of Columbia".

On page 14, line 6, strike out "20." and insert "21.".

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1626 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer Mr. SPONG, Mr. EAGLETON, and Mr. PROUTY conferees on the part of the Senate.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, busi-

nesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, which was to strike out all after the enacting clause, and insert:

"That this Act may be cited as the 'Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

"TITLE I—GENERAL PROVISIONS

"SEC. 101. As used in this Act—

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

"(2) The term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

"(3) The term 'State agency' means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

"(4) The term 'Federal financial assistance' means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

"(5) The term 'person' means any individual, partnership, corporation, or association.

"(6) The term 'displaced person' means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

"(7) The term 'business' means any lawful activity, excepting a farm operation, conducted primarily—

"(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

"(B) for the sale of services to the public;

"(C) by a nonprofit organization; or

"(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

"(8) The term 'farm operation' means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

"(9) The term 'mortgage' means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

"FINALITY OF DETERMINATIONS

"SEC. 102. (a) Any determination by the head of a Federal agency administering a program or project as to payments under titles II and III of this Act shall be final and no provision of such titles shall be constructed to give any person a cause of action in any court, nor may any violation of either of such titles be raised as a defense by such person in any action.

"(b) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

"(c) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this Act.

"TITLE II—UNIFORM RELOCATION ASSISTANCE

"DECLARATION OF POLICY

"SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"MOVING AND RELATED EXPENSES

"SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

"(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

"(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

"(3) actual reasonable expenses in searching for a replacement business or farm.

"(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed $300; and a dislocation allowance of $200.

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than $2,500 nor more than $10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

"REPLACEMENT HOUSING FOR HOMEOWNER

"SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of $15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

"(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

"(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

"(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

"(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during con-

struction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"Sec. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

"(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

"(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203 (a) (1) (C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

"RELOCATION ASSISTANCE ADVISORY SERVICES

"Sec. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

"(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine the need, if any, of displaced persons, for relocation assistance;

"(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

"(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

"(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"Sec. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

"(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c) (3), is available to such person.

"STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

"Sec. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first $25,000 of the cost of providing such payments and assistance.

"STATE ACTING AS AGENT FOR FEDERAL PROGRAM

"Sec. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

"PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

"Sec. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

"REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE IN FEDERALLY ASSISTED PROGRAMS; ASSURANCES OF AVAILABILITY OF HOUSING

"Sec. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c) (3).

"FEDERAL SHARE OF COSTS

"Sec. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first $25,000 of such cost.

"(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

"(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to section 206, 210, 215, and 305.

"ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCING ASSISTANCE

"Sec. 212. In order to prevent unnecessary expenses and duplications of functions,

and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

"REGULATIONS AND PROCEDURES

"SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

"(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

"(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

"ANNUAL REPORT

"SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975; together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

"PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

"SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

"PAYMENTS NOT TO BE CONSIDERED AS INCOME

"SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

"DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

"SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

"TRANSFERS OF SURPLUS PROPERTY

"SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

"DISPLACEMENT BY A SPECIFIC PROGRAM

"SEC. 219. Notwithstanding any other provision of this title, a person—

"(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

"(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

"(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

"(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

"REPEALS

"SEC. 220. (a) The following laws and parts of laws are hereby repealed:

"(1) The Act entitled 'An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes,' approved May 29, 1958 (43 U.S.C. 1231–1234).

"(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

"(3) Section 2680 of title 10, United States Code.

"(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606 (b)).

"(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

"(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

"(7) Section 2 of the Act entitled 'An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes', approved October 6, 1964 (78 Stat. 1004; Public Law 88–629; D.C. Code 5–729).

"(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

"(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

"(10) Chapter 5 of title 23, United States Code.

"(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90–495).

"(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

"EFFECTIVE DATE

"SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

"(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

"(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

"TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

"UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

"SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

"(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

"(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

"(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

"(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

"(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

"(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

"(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or conditions and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

"(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

"(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

"BUILDINGS, STRUCTURES, AND IMPROVEMENTS

"SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

"(b)(1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

"(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

"EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

"SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

"(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

"(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

"(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

"LITIGATION EXPENSES

"SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

"(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

"(2) the proceeding is abandoned by the United States.

"(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

"(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

"REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

"SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

"REPEALS

"SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section."

Mr. MUSKIE. Mr. President,, S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 climaxes a long, hard fight to establish a uniform policy for the fair and equitable treatment of people who are displaced by Federal and federally assisted programs. The need for this legislation is clear. It has been documented through studies conducted by the Congress, and

in hearings held before the Subcommittee on Intergovernmental Relations and before the House. The House legislation before us has refined and strengthened the basic principles and programs in S. 1, as passed by the Senate on October 21, 1969, and in my opinion, is as high priority a measure as stands before the Senate.

There are more than 50 Federal programs which result in condemnation of land and which, quite literally, bulldoze hundreds of thousands of people from their homes and businesses each year. Many are low-income families. They are the elderly. They are small farmers and small businessmen. In almost every case, they are forced to leave an area in which they have spent their entire lives, and in which they have made their economic well-being. Little has been done to assist their movement or help replace their losses. The supreme irony of this is that their problems were caused by Federal programs backed by the dollars of Federal taxpayers.

In less complex times, these programs involved no major displacements of people. The taking of a residential property, a commercial enterprise, a farm, or a small business proved the exception, and normally caused little or no distress to the individual owner.

The accelerating demand for public services of all kinds, and the growth of our population, particularly in our urban areas, brought with it the shattering effects of displacement.

This bill is needed in order to minimize these effects, and to eliminate the vast inconsistencies that exist among Federal and federally assisted programs with respect to relocation assistance and land acquisition.

S. 1 recognized that relocation is a serious problem. It acknowledges that advisory assistance is of special importance in the relocation process, and especially for the poor, and the nonwhite, the elderly and the small businessman. It seeks to establish fairer land acquisition policies in relation to the acquiring of property for these programs. It establishes the fact that the Federal Government has a prime responsibility to come up with uniform and equitable treatment of those who must relocate.

S. 1 provides for relocation payments. It provides for advisory assistance and for assurance that comparable, decent, safe and sanitary housing will be available before displacement can occur. It provides for the economic costs of adjustment of persons and businesses displaced by such programs. It establishes a uniform policy with regard to real property acquisitions for all Federal and federally assisted programs.

The heart of the dislocation problem is what is being done to displaced low and moderate income families as a result of displacement. S. 1 gets to the heart of that problem.

As the Senate prepares to pass S. 1, it seems appropriate that we should take notice of the fact that the bill brings to fruition a proposal made more than 10 years ago by one of its sponsors, the senior Senator from Alabama (Senator SPARKMAN). His concern on behalf of this problem has been thoroughly established through his work as chairman of the Senate Select Committee on Small Business, and as a result of his efforts on the Small Business and Housing Subcommittees of the Banking and Currency Committee.

Mr. President, S. 1 provides for relief of dislocation. It provides the necessary tools for the job to be done. Their use will depend upon the imagination and the desire of its administrators to do the job that is intended to be done. The uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and evenhanded administration of that process, consistent with the protection of individual rights and community needs, no matter what agency is involved. Confidence in and support for Government programs demands no less.

Mr. President, I move that the Senate agree to the engrossed amendment of the House to S. 1 with amendments which I have sent to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to state the amendments.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; the amendments will be printed in the RECORD.

The amendments ordered to be printed in the RECORD are as follows:

S. 1

On page 4, strike out lines 10 through 17 and insert in lieu thereof the following:

"EFFECT UPON PROPERTY ACQUISITION"

On page 4, line 18, strike out "(b)" and insert in lieu thereof "Sec. 102(a)".

On page 4, line 21, strike out "(c)" and insert in lieu thereof "(b)".

On page 4, line 24, strike out "on" and insert in lieu thereof "immediately prior to."

On page 12, lines 1 and 2, strike out ", to the extent that can reasonably be accomplished,".

On page 12, line 10, before the semicolon, insert a comma and the following: "except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived".

Mr. MUSKIE. Mr. President, I think it is appropriate in the closing days of the Congress to finally take up action on the first bill introduced in this Congress, S. 1. It is legislation dealing with the establishment of a uniform policy for the fair and equitable treatment of people who are displaced by Federal and federally supported programs.

The Senate has enacted this legislation twice, once last Congress and once early in this Congress. The House has now acted on it with some amendments in disagreement which we have discussed with the House. The House is unwilling to go to conference. So we have undertaken to work out amendments to which the House will agree so that we can avoid the conference.

That is the substance of the amendments which I have offered on the floor this afternoon.

The principal amendment has to do with the question of judicial review. The Senate bill, as enacted, provided for judicial review. The House struck out that provision.

We are now offering an amendment that will leave the question of review in the existing law.

The distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Massachusetts (Mr. KENNEDY) have both been concerned with this issue. The amendment I am offering has met with their agreement and approval.

I think we are ready to move at this point this afternoon.

Mr. ERVIN. Mr. President, will the Senator yield without losing his right to the floor?

Mr. MUSKIE. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the distinguished Senator from Maine has worked very hard on this bill for several years. As he stated, it has passed the House twice.

The Senator from Maine stated very eloquently when the bill was introduced during the present Congress that the uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can assure fair and evenhanded——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber? There are too many colloquies taking place. Senators in the rear cannot hear what the Senator from North Carolina is saying. Will the Chair ask Senators to take their seats?

The PRESIDING OFFICER. The Chair requests Senators to take their seats.

Mr. ERVIN. Mr. President, I am quoting the statement made by the distinguished Senator from Maine when he introduced the bill early in this Congress. He said:

> The uprooting of an individual, his family, his business, or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can assure fair and even-handed administration of that process, consistent with the protection of individual rights and community needs, no matter what agency is involved.

Pursuant to the thought thus expressed by the distinguished Senator from Maine on the predecessor of this bill and on the present bill containing the provision, title 4, secured to every person adversely affected and every public agency of a State adversely affected by one of these Federal projects which necessitates the relocation of an individual's home or business, the right to have a judicial review of any rights that might be placed in jeopardy by such action.

The members of the Senate committee which handled this bill have been strongly in favor of expressly securing the right of judicial review to those who are adversely affected by such Federal action having to do with relocation.

I concur in the present position of the Senator from Maine. I believe it is rather essential to have judicial protection of the rights of persons, State agen-

cies, and State subdivisions which are dislocated by Federal projects. However, this bill has some very fine provisions to insure their being dealt with justly.

I feel that these provisions have been too long delayed by the failure of the House to follow the action of the Senate in this area.

For this reason I concur, with reluctance, in the motion made by the Senator from Maine.

I point out that it will take some time to implement the provisions of this bill. I believe that there would be ample opportunity for those of us who are interested in this problem to introduce in the next session of the Congress with at least a reasonable hope of being able to have the House follow our lead on the matter, provisions which will secure the right of judicial review in this connection.

For this reason, I am sure that the Senator from Maine feels as I do about this matter and that he and the Senator from Massachusetts will join me in an amendment to try to supply this omission in the legislation.

Mr. MUSKIE. The Senator is correct. I have asked the staff to prepare the legislation for introduction early in the new Congress. I will promise to hold early hearings so that we can get at this question at an early stage in the next Congress.

I think there is sufficient support on this side so that there will be no difficulty in processing the legislation very quickly.

Mr. ERVIN. Mr. President, with that assurance, I join with the Senator in asking that the Senate take the action he has suggested.

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

Mr. MUSKIE. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, the Senator from Illinois worked with the distinguished Senator from Maine on this subject. It is certainly legislation that is desired by mayors and Governors throughout the country.

The Senate's will has been frustrated on a number of occasions in the past because the matter has not passed the House.

There are some significant differences between the House-passed version and the Senate-passed version.

I ask unanimous consent that a memorandum prepared analyzing the differences between the House and Senate versions be printed in the RECORD.

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

S. 1, THE UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT

The House passed their version of S. 1, Monday, December 7. The essential differences between House-Senate versions of the bill are:

MAJOR CHANGES

1. *Judicial Review*—House version strikes Title IV provisions of S. 1. All determinations made by heads of federal agencies regarding relocation/acquisition, are final. Nothing in the bill is to be construed as creating any element of value or damage under condemnation proceedings.

2. *Rules and Regulations for implementation*—The Senate version placed responsibility for preparation and execution with the President. The House version authorizes head of each agency involved with relocation/acquisition to establish regulations and procedures. These, in turn, to be uniform to the maximum extent possible through consultation with heads of other agencies.

The House version requires preparation of an annual report beginning January 15, 1972, and for each year until January 15, 1975, which will detail for the President, and also for the Congress, the effectiveness of the bill, actions taken to achieve Congressional objectives, views on progress made toward such objectives, effects on the public, and recommended changes, improvements, etc. These reports would be the nucleus for additional Congressional action should implementation of the law prove difficult in terms of achieving uniformity and equity.

Comment: (i) *The judicial review* feature included in the Senate version was knocked out because neither Justice nor BOB felt it served any immediately useful purpose. (Excessive litigation and crowded dockets being the reasons.) The House provisions require considerable discretion on the part of the administrator, inasmuch as judicial review could effectively hamstring implementation of any project while the parties sought resolution through the courts, its omission undoubtedly will free the hand of the administrator in his approach to individual cases. (House staff have indicated that if the Senate insists on it being included, the bill will be lost.)

(ii). *The Rules and Regulations* procedures imply substantial good will on the part of the administrators. Where the Senate bill attempts to fix responsibility in the Presidential office, it is left to agency heads to iron out their differences. The Senate version was conceived without consideration of the coordinative role of the newly created Office of Management and Budgeting, which promulgate the necessary procedures under which agency heads consult and work toward common solutions. The annual report should provide sufficient opportunity for Congressional review and reactions.

OTHER CHANGES

The House bill increases basic moving and dislocation allowances from $200 and $100 to $300 and $200 respectively. In lieu of fixed allowances, the bill provides for payment of "actual" reasonable costs, etc.," not less than $2,500 nor more than $10,000 (up from $5000 in S. 1). This is based on average annual net earnings. (The House allows computation over either the two previous years, or such other 2-year period as would be determined more equitable, i.e. in cases where the previous two year period was affected by bad business conditions, etc.)

The House bill provides for expanded replacement housing costs through supplemental payment of up to $15,000—to bridge the gap between acquisition payment and actual reasonable cost to reenter the housing market. Replacement housing must be available before displacement. House bill also provides coverage of such items as interest rate differential on mortgages, unpaid debt at time of acquisition, etc., through the $15,000 supplemental payment.

The House bill provides for tenant displacement through a replacement allowance of up to $4,000 necessary to enable lease or rent for a period not to exceed 4 years. Tenant can enter housing market by use of up to $4,000 (matched by his own sum) for making a downpayment.

The House bill provides for expanded relocation assistance services, including determination of needs for assistance, information, assurance in advance of availability, loan programs information, etc.

The House bill provides for housing replacement by the displacing Federal agency as a last resort, including direct construction of new housing, acquisition and rehabilitation of existing housing, relocation of existing housing, and jointly financed projects which could aggregate rental housing requirements into feasible units. Examples include HUD, Agriculture work out programs for construction for low or moderate income families/individuals.

The House version provides for full Federal funding of the first $25,000 (same as in S. 1 except for Hawaii and Alaska), for any acquisition or displacement prior to July 1, 1972. In the case of federally-assisted projects, State can establish a trust fund, using an advance from the Feds (the costs being 100% Federally reimbursable up to $25,000). This would permit States to overcome any legal incapacities with respect to the expending of State funds until such period of full Federal funding expires.

The effective date of the bill is *enactment, except* where a State is unable to comply fully, in which case it becomes effective as soon as the State can comply, and in every case, after July 1, 1972.

The special case of the Murray Hill Post Office Station is taken care of by the bill, and the mandates for a uniform land acquisition policy are included with minor exceptions and changes. The expenses provided for by S. 1 are retained in the House bill, i.e. recording fees, transfer taxes, etc., but, in addition, the House bill will reimburse the owner for litigation expenses within reason.

Mr. PERCY. Mr. President, there are some points of concern that the administration has with respect to this bill. I ask unanimous consent that these differences of opinion that the administration has had with respect to this bill be printed in the RECORD at this point.

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

POINTS OF SIGNIFICANT CONCERN WITH HOUSE-PASSED S. 1, THE PROPOSED RELOCATION AND LAND ACQUISITION POLICIES ACT

I. The following are items in the House bill of particular concern.

a. *Implementing regulations.* The House bill provides in section 213 for the establishment of regulations and procedures by the heads of the various displacing agencies. It thus does not provide, as does the Senate bill, for the assured uniformity that would be provided through Presidential regulations. It also omits provisions requiring centralized determinations with respect to housing availability and standards so as to assure uniformity in handling these matters among different agencies and programs.

b. *Availability of replacement dwellings.* The House bill in section 205(c)(3) weakens the requirement of availability of replacement housing by requiring assurance that suitable replacement dwellings will be available prior to displacement only "to the extent that can reasonably be accomplished." The Committee report states that this limiting phrase is used only "to provide for emergency or other extraordinary situations where immediate possession of real property is of crucial importance." Nevertheless, this phrase is still subject to interpretation by the heads of various displacing agencies. The Senate version is preferable in that it establishes an absolute requirement that replacement housing be available, subject only to Presidential waiver.

c. *Replacement housing for homeowners.* Although the concept of providing additive payments to assist owner-occupants in obtaining decent, safe and sanitary replacement dwellings is essential, the $15,000 maximum payment proposed in section 203 of the

House bill is exorbitant and would create pressure for unnecessarily high costs for public improvements. The limit of $5,000 established in the Senate version is adequate, based upon operating experience, to meet the legitimate cost of assuring suitable replacement housing.

d. *Compensation for increased interest costs.* Section 203(a)(1)(B) would provide a payment to homeowners whose property is mortgaged to compensate them for the increased cost, if any, of obtaining a new mortgage at higher interest rates. This provision would present serious administrative difficulties and could result in substantial windfall payments to homeowners where the new mortgage is not held for the full period for which the homeowner has been compensated. It would also remove the incentive to seek the lowest interest rate mortgage available, and hence would contribute to inflationary pressure.

e. *Mortgage insurance for displacees.* This provision in section 203(b) of the House bill would allow Federal agencies administering mortgage insurance programs to insure mortgages of displacees eligible for assistance under this section without regard to their age, physical condition or other characteristics. This provision would create a new insurance program characterized by limited applicability and high risks. No new insurance fund has been provided to cover this new class of high risk policies. In view of the numerous technical problems which such a program would entail, any decision concerning it should be deferred to consideration in connection with new housing legislation.

f. *Effective date.* Section 221 of the House bill provides that the bill is effective immediately. The Senate bill is preferable in that it provides necessary time for the assignment of responsibility and for the drafting of regulations for direct Federal programs. Time will also be required in order to make adjustments between existing relocation systems and the new system authorized by the legislation.

g. *Interest free loans for housing studies.* Section 215 would authorize the administering Federal agency to make or approve loans to a variety of organizations for the purpose of meeting preliminary expenses of providing replacement housing. Fragmented management and inefficient organization would result from having every agency separately undertaking this type of activity.

h. *Transfer of surplus property.* Section 218 would authorize the Administrator of General Services to transfer surplus property without monetary consideration to State agencies for the purpose of providing replacement housing. While the Congress has authorized special write-downs for land to be used for low cost housing, the 100 percent donation authorized here is excessive and unnecessary because the bill provides adequate reimbursement of expenses.

i. *Displacement by a specific program.* Section 219 contains a special provision for the relief of individuals who have been (or may be) displaced from certain property acquired and held by the Post Office Department in the City of New York. This is special legislation and has no place in general legislation, the major purpose of which is uniformity. This provision should be deleted from the bill, and the subject should be considered separately.

j. *Mortgage penalty costs.* Both the House and Senate versions of S. 1 provide that the head of the acquiring Federal agency shall reimburse the owner for penalty costs for prepayment of preexisting mortgages. The House bill, however, fails to provide that such reimbursement may be made only if such mortgage is on record on the date of the official announcement of the project. Experience has shown this safeguard which is in the Senate bill is workable and necessary.

k. *Instituting formal condemnation proceedings.* Section 301(8) of the House bill provides that if any interest in real property is to be acquired by the exercise of the power of eminent domain, the head of the Federal agency shall institute formal condemnation proceedings. The heads of Federal agencies do not institute such proceedings, except in the case of the Tennessee Valley Authority, where they request the Attorney General to institute such proceedings. This subject is better dealt with in Section 301(a)(10) of the Senate bill.

l. *Litigation expenses.* Section 304(c) would provide that in any action brought against the United States for the recovery of just compensation for the taking of any interest in real property where it is determined that such taking occurred without a tender of compensation to the plaintiff or that the just compensation exceeds the amount tendered before the institution of the action, the United States shall be liable for all the expenses of court costs, including attorneys' fees, appraisal and engineering fees actually incurred. This provision is highly objectionable as it would result in all cases of this type going to court. The usual situation of this type takes place when a Government action inadvertently floods or in some other way takes property which was not expected to be taken in the project. At the time the Government becomes aware of the fact that it has taken the property, the agency usually makes an offer or seeks funds so that it can buy. If court costs would be reimbursed in every such case, the owner would always sue for a higher amount and no cases would be settled out of court.

II. In addition to the above, there are a number of other items which are major differences of a kind which should warrant a conference.

a. *Judicial review and finality of determinations.* The Senate version of S. 1 would apply the administrative procedure and judicial review provisions of the APA to all determinations under this bill. The House bill omits this and, in addition contains in section 102, a finality of determination provision which would preclude judicial review of *any* determinations under titles II and III, including a preclusion against raising any violation of the proposed Act as a defense in any court.

b. *Definition of displaced person.* The House bill would limit the status of displaced person to those who move as the result of the acquisition of, or written notice to vacate, real property. The Senate version would provide a broader definition which includes those who move as the result of acquisition or reasonable expectation of acquisition.

c. *Construction of replacement housing.* The House version of S. 1 would provide for construction of replacement housing by any displacing Federal agency, if suitable replacement housing cannot otherwise be made available. The Senate bill does not contain a similar authorization.

Mr. PERCY. As I understand it, it would have been far more desirable for us to have perfected this legislation by having a conference. However, the time involved is simply inadequate and the House refused a conference on this particular legislation. The desire of the mayors, Governors, and many branches of the Federal Government is so great that I think the legislation should be enacted at this time, and the two points the House agreed to accept, I think, are good modifications.

I recommend that we now pass this legislation. We must take into account that in the final analysis the decision ultimately has to be made by the White House when legislation comes before the President for signature. There is a possibility the President might veto the legislation, but because of the lateness of the hour I believe this is the best we could do and I recommend that the legislation pass with these amendments.

Mr. MUSKIE. I thank the Senator from Illinois, who has been concerned with this matter from the beginning. There are differences between the view of the Senate and the view of the House, involving modest increases in moving and dislocation expenses, but I think these increases reflect increases in the cost of living that have taken place since the bill was first taken up. I hope the administration will undertake to accept the bill. It has taken us two Congresses to move the legislation to this point. This is important legislation and we should accept it as such and move on from this base which has been so long in establishment.

Mr. COOPER. Mr. President, as a member of the Public Works Committee, I have studied and interested myself over a long period of time with the problems relating to the diverse land acquisition policies of the Federal Government and the need for uniformity.

During this period I was constantly made aware of the efforts of the senior Senator of Alabama to remedy this situation.

Senator SPARKMAN's interest in this matter arose particularly out of his concern for the problems of small businesses and individuals displaced by urban renewal and other Federal and federally assisted projects. These problems had come to his attention as chairman of the Senate Select Committee on Small Business and through his work on the Small Business and Housing Subcommittees of the Banking and Currency Committee.

I believe it would be appropriate to recall the constructive approach of Senator SPARKMAN in his early proposals and his recognition of the problems with which S. 1 deals. To that end, I ask unanimous consent that the statements he made on January 30, 1961, when he introduced S. 671 be included in the RECORD at this point.

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

COMMISSION TO STUDY COMPENSATION FOR LAND CONDEMNED UNDER FEDERAL PROGRAMS

Mr. SPARKMAN. Mr. President, in recent years the Federal Government has instituted programs under which millions of acres of land have been acquired from private owners. While much of the land has been acquired by purchase, a great deal has been acquired through condemnation proceedings; and in the cases in which voluntary sales were effected, the threat of condemnation proceedings was in the background.

These Federal programs include some in which Federal agencies use the land directly—for example, in the military programs; in other cases, the land is owned by State or local agencies—for example, in most road programs; and, in other cases, the land may be resold for private use—for example, in the urban renewal program. But regardless of these differences in the purpose of the taking or the use to which the land is put, the individual or business dispossessed or otherwise affected by the acquisition suffers the same loss.

Probably the biggest acquisition program has been that of the military. I am advised that in 1940, the War and Navy Departments used about 2½ million acres of land. By the close of the war, these two Departments had the use of 52 million acres—about equal in size to Kansas or Utah.

By June 30, 1955, the land used for military purposes by the Army, the Navy, the Air Force, and the AEC, amounted to more than 23 million acres—about the size of Indiana, Virginia, Kentucky, or Tennessee. Other Federal programs have acquired or are acquiring substantial amounts of land.

In the urban renewal program under title I of the Housing Act of 1949, the first 400 projects have called for the clearance of about 15,000 acres, not including streets and alleys. Unlike much of the land used for military programs, these 15,000 net acres are located in urban areas, and consist mostly of developed land. The Federal highway programs also call for the acquisition of large areas; including both expensive developed land in cities, and farmland and wasteland outside cities. For the Interstate Highway System, $621 million—of which the Federal share will be $418 million—is authorized for the acquisition of rights-of-way during the fiscal year 1959. Under the regular Federal highway programs, $126 million—of which the Federal share will be $65 million—is authorized for acquisition of rights-of-way during the fiscal year 1959. Other Federal programs, such as the public works programs, involve the acquisition of large areas.

The acquisition of land in this volume is very different from the Federal acquisition of land during the 19th century, or even during the 20th century, up to World War II. The problems created when, under Federal programs, thousands of acres of land is acquired in rural areas, or scores of acres are acquired in developed urban areas, are different, both in kind and in degree, from the problems created in earlier days, when Federal acquisitions of land amounted merely to taking enough land for the construction of a post office, an arsenal, or even an army post. And the problem becomes particularly acute when an urban-renewal project cleans out an entire section of town—the houses, stores, office buildings, movie theaters, banks, churches, and all other structures.

The banking and Currency Committee has heard testimony which has set forth in dramatic detail the problems facing businesses, both large and small, which have been wiped out by urban-renewal projects or by Federal highway projects. Three bills on this subject have been introduced: S. 1340, by Senator HUMPHREY; S. 1351, by Senator BEALL; and S. 1777, by Senator CLARK and Senator JAVITS, which would provide for loans to small business concerns affected by the highway and urban-renewal programs.

The problem, of course, is not limited to small businesses or to these two Federal programs. The problem affects all sizes of business, and it affects all Federal programs under which land is acquired—particularly, of course, when the land acquisitions are very extensive. It was, I think, for this reason that the Banking and Currency Committee did not take action on any of these three bills in connection with either the small business legislation or the housing legislation.

It seems to me the question is a matter of much broader concern, and one which basically goes back to the requirement of the fifth amendment to the Constitution that private property shall not be taken for public use without just compensation.

Over many years, this constitutional requirement has been spelled out in judicial decisions and in statutes within the framework of the constitutional requirement. For the most part, this occurred before acquisitions of land by the Federal Government were substantial or had drastic effects upon wide areas. As I have said, there is a difference in kind, as well as a difference in degree, between acquiring enough land for a Federal office building, or even acquiring the Federal Triangle, and acquiring a square mile of city land for an urban-renewal project or acquiring a whole valley for the purpose of flooding it in connection with the construction of a dam.

It is because of this change in the nature and the effect of land acquisitions under Federal programs, either by condemnation or under threat of condemnation, that I think it desirable to make a thorough and impartial study of condemnation under Federal programs. This study should be under the highway program, under public works programs, under urban-renewal programs, under military programs, and any other Federal programs. It should also be broad enough to cover all the effects of land acquisition, including its effects on owners, on tenants, and on nearby property and businesses. The study should be made in the broad spirit of the just-compensation provision of the fifth amendment. It should not be limited to a determination of the legal bounds of that provision or of any particular statute. Instead, it should cover the broader subject of the extent to which the cost of Federal programs is paid by individuals or firms whose property is taken or whose property or business is either destroyed or is reduced in value by the taking of neighboring property, and the extent to which it would be feasible and proper to compensate these individuals and firms for the losses they suffer by reason of the Federal program.

Accordingly, I introduce a bill which would establish a bipartisan Federal Commission on Property Condemnation Compensation, to consist of 15 members, 7 to be appointed by the President, 4 to be appointed by the Vice President, and 4 to be appointed by the Speaker. The Commission would make a thorough study of compensation in connection with the condemnation of land, and would file a report with the Congress by December 31, 1961.

In introducing this bill, I do not, of course wish to take the position that any particular judicial awards have been either too high or too low; nor do I wish to take the position that any condemnation statute now on the books needs to be amended. But the testimony, which has been presented to the Banking and Currency Committee, on the effects on individuals and businesses of the widespread land acquisitions under Federal programs convinces me that this matter should be thoroughly reviewed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2802) to provide for a comprehensive study of the disposition of claims for just compensation for persons affected by the acquisition of property by the United States or under Federal programs through condemnation proceedings or otherwise, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

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

The motion was agreed to.

PENSION AND COMPENSATION PAYMENTS

Mr. HARTKE. Mr. President, in connection with H.R. 15911, to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowance relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes, I ask unanimous consent that the Senate reconsider its agreement to the committee amendment, the engrossment of the amendment, the third reading of the bill and the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is before the Senate.

Mr. HARTKE. My request, Mr. President, seeks to do justice for the veterans, widows, and children in this country who are receiving a pension. Since the current pension program was enacted in 1960 the Senate has supported the concept that a veteran, widow, or child should not lose part of his pension as a result of social security increases. On three occasions this body has acted to prevent veterans, widows, and children from taking a loss in pension because social security payments were raised.

During my recent campaign I was contacted by a great many individual veterans and leaders of veterans organizations expressing concern that if action was not taken many veterans, widows, and children would take a loss, beginning January 1, 1971, in their pensions as a result of the social security rate increases enacted earlier this year. Since the House had already passed a bill which protects these pensioners from taking a loss in pension because of social security rate increases, I felt that I was in a position to offer assurances that the Congress would act on this occasion as it has on three past occasions and protect veteran pensioners from a loss. I now find that the bill before us does not offer such protection, and the amendment which I am offering is designed to correct this situation.

I would like to make it clear that not only is it necessary that we act to protect veteran pensioners from loss because of the social security rate increase, but this action is necessary to rectify losses which have already occurred in the pensions of many veterans who have received an increase recently in retirement annuities such as civil service retirement, railroad retirement, union pensions, and many other public and private pensions. It should be made clear that the House bill in no way creates a windfall for veterans, widows, and children. It takes care of the social security and other pension increases but at the same time is completely justified on the basis of cost-of-living changes. Since 1960 there have been three increases voted by Congress for pensioners. Since January 1, 1969, when the last pension increase became effective, there has been an 11.1 percent increase in the cost-of-living index. My motion provides for an average increase of $7.47 a month for pensioners, or an average increase of 9.5 percent. These pension increases will barely cover cost-of-living changes since the last raise.

By contrast, Mr. President, the bill which we have before us deals adversely with over 600,000 veterans, widows, and children. It is true that under the legislation we are considering some would get an increase, but not enough to stay abreast with current cost-of-living

changes. Four hundred and forty thousand would receive no increase at all but would remain static. One hundred sixty thousand would actually be removed from the pension rolls or receive a reduction in their veterans pension. My amendment corrects this situation. Under it virtually all of the 1,575,000 new-law pensioners would receive an average increase of $7.47 a month and no pensioners would be removed from the rolls or have their pensions cut solely as a result of the social security rate increase.

It seems to me, Mr. President, that the circumstances relating to nearly 2 million pensioners, most of whom are elderly and most of whom are World War I veterans, and their dependents should be considered in light of recent actions relating to other segments of the economy. Major wage increase settlements are being announced weekly for important segments of industry. Many of these increases go beyond cost of living increases. Our conference committees announced agreement just a few days ago on legislation which will provide a 6-percent increase for Federal employees. I can think of no way that this body can justify withholding from World War I veterans and their dependents consideration which is being extended to other segments of the economy and beneficiaries of Government programs. World War I veterans now average 76 years of age. They receive a pension because their income is very restricted. As a matter of fact, the basic concept of the pension program is that eligibility is based on need and the pension will be paid in direct relationship to other income with pension being terminated altogether at very modest income levels.

Mr. President, I would like to emphasize that the pension program is a needs program. If a veteran without a wife has less than $300 other income under present law he receives the maximum payment of $110 a month. In other words, with the pension the total amount available to this individual to live on annually is $1,620. For the individual at the very top of the income scale who is receiving between $1,900 and $2,000 a year from other sources, the pension paid is only $29 a month. Above $2,000, under the current law, the individual receives no pension help at all.

The situation is even more restrictive in the case of widows. A widow without dependents receiving under $300 a year other income only receives, under current law, $74 per month. A widow with dependents with $600 a year or less other income receives only $90 a month. Obviously these levels of income are, in some instances, below or near the poverty level. It may come as a surprise to some, in fact it was shocking to me to learn that 232,469 veterans have less than $600 other income. The situation is even more pathetic as far as widows are concerned; 222,456 widows have less than $600 other income and are primarily dependent on the small pension which we pay them for survival.

Let me cite one other figure which in my opinion should serve to resolve this problem even if no other consideration was involved: 105,625 widows have less than $100 other income and at present receive only $74 per month. This means that these women are living on an annual income of $988. Certainly we should do everything possible to assure ourselves that each of these individuals gets a modest increase somewhat in line with cost of living changes. Certainly this body never has, and I do not think it will on this occasion, countenance a reduction in these modest pensions because the individuals receive a small cost of living increase in social security.

Mr. President, all major veterans organizations are supporting this proposal. Leaders of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Veterans of World War I stand together on this issue and have expressed their great concern that the Senate will not correct the error of the reported bill. The motion before us will correct that error and I urge its support.

Mr. President, I would like to explain that the next order of business before the Senate will be the question of whether or not the committee amendment will be disagreed to or agreed to. A vote of "no" would be in accordance with the general desires, not only of the Senator from Georgia (Mr. TALMADGE), but also the Senator from Utah (Mr. BENNETT). Therefore, when the question is put, a vote of "no" is an affirmative vote for the legislation we intend to pass.

The PRESIDING OFFICER. The committee amendment will be stated.

The legislative clerk read as follows:

Strike out all after the enacting clause and insert:

That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$400	$120
$400	500	117
500	600	114
600	700	110
700	800	106
800	900	102
900	1,000	98
1,000	1,100	94
1,100	1,200	90
1,200	1,300	86
1,300	1,400	81
1,400	1,500	76
1,500	1,600	70
1,600	1,700	64
1,700	1,800	58
1,800	1,900	52
1,900	2,000	46
2,000	2,100	38
2,100	2,200	34
2,200	2,300	30".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"Column I		Column II	Column III	Column IV
Annual income				
More than—	but Equal to or less than—	One dependent	Two dependents	Three or more dependents
	$600	$130	$135	$140
$600	700	128	133	137
700	800	126	131	134
800	900	124	129	131
900	1,000	122	127	128
1,000	1,100	120	125	125
1,100	1,200	118	122	122
1,200	1,300	116	119	119
1,300	1,400	114	116	116
1,400	1,500	112	113	113
1,500	1,600	110	110	110
1,600	1,700	107	107	107
1,700	1,800	104	104	104
1,800	1,900	101	101	101
1,900	2,000	98	98	98
2,000	2,100	95	95	95
2,100	2,200	92	92	92
2,200	2,300	89	89	89
2,300	2,400	86	86	86
2,400	2,500	83	83	83
2,500	2,600	80	80	80
2,600	2,700	77	77	77
2,700	2,800	74	74	74
2,800	2,900	71	71	71
2,900	3,000	68	68	68
3,000	3,100	64	64	64
3,100	3,200	60	50	60
3,200	3,300	56	56	56
3,300	3,400	51	51	51
3,400	3,500	43	43	43
3,500	3,600	35	35	35".

(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$400	$80
$400	500	78
500	600	76
600	700	74
700	800	72
800	900	69
900	1,000	66
1,000	1,100	63
1,100	1,200	60
1,200	1,300	57
1,300	1,400	54
1,400	1,500	51
1,500	1,600	47
1,600	1,700	43
1,700	1,800	39
1,800	1,900	35
1,900	2,000	30
2,000	2,100	24
2,100	2,200	21
2,200	2,300	18".

(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	$600	$97
$600	700	96
700	800	95
800	900	94
900	1,000	93
1,000	1,100	92
1,100	1,200	91
1,200	1,300	89
1,300	1,400	87
1,400	1,500	85
1,500	1,600	83
1,600	1,700	81
1,700	1,800	79
1,800	1,900	77
1,900	2,000	75
2,000	2,100	73
2,100	2,200	71
2,200	2,300	69
2,300	2,400	67
2,400	2,500	65
2,500	2,600	63
2,600	2,700	61
2,700	2,800	59
2,800	2,900	57
2,900	3,000	55
3,000	3,100	53
3,100	3,200	51
3,200	3,300	49
3,300	3,400	47
3,400	3,500	45
3,500	3,600	42".

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Section 542(a) of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$43" and "$17", respectively.

SEC. 2. (a) The table in subsection (b)(1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$94
$800		900	90
900		1,000	86
1,000		1,100	82
1,100		1,200	76
1,200		1,300	69
1,300		1,400	62
1,400		1,500	55
1,500		1,600	48
1,600		1,700	41
1,700		1,800	34
1,800		1,900	28
1,900		2,000	22
2,000		2,100	16
2,100		2,200	14
2,200		2,300	12".

(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$63
$800		900	61
900		1,000	58
1,000		1,100	54
1,100		1,200	51
1,200		1,300	47
1,300		1,400	42
1,400		1,500	37
1,500		1,600	32
1,600		1,700	28
1,700		1,800	24
1,800		1,900	21
1,900		2,000	18
2,000		2,100	15
2,100		2,200	13
2,200		2,300	12".

(c) The table in subsection (d) of such section 415 is amended to appear as follows:

"Column I			Column II
Total combined annual income			
More than—	but	Equal to or less than—	
		$1,000	$63
$1,000		1,100	62
1,100		1,200	60
1,200		1,300	58
1,300		1,400	56
1,400		1,500	54
1,500		1,600	52
1,600		1,700	50
1,700		1,800	48
1,800		1,900	46
1,900		2,000	44
2,000		2,100	42
2,100		2,200	40
2,200		2,300	38
2,300		2,400	36
2,400		2,500	34
2,500		2,600	32
2,600		2,700	30
2,700		2,800	28
2,800		2,900	36
2,900		3,000	24
3,000		3,100	22
3,100		3,200	20
3,200		3,300	18
3,300		3,400	16
3,400		3,500	14
3,500		3,600	12".

SEC. 3. Clause (G) of section 415(g)(1) of title 38, United States Code, and clause (6) of section 503 of such title are hereby repealed.

SEC. 4. The amendments made by this Act shall become effective January 1, 1971.

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

Mr. HARTKE. I yield.

Mr. TALMADGE. Mr. President, veterans' pensions, are based on need. Thus when the Congress increased social security benefits effective this year, a reduction would take place in pension benefits next January unless the Congress asked otherwise. Earlier this year, in order to solve this problem, I introduced a bill to correct the situation.

The Subcommittee on Veterans' Legislation of the Committee on Finance approved my bill, which would present a pension reduction for 90 percent of the veterans receiving pensions under current law. In other words, the full benefit 90 percent of the pensioners would get of the social security increase, although but a few veterans would not get the full benefit of their social security increase because of a small reduction in their veterans' pension.

The Committee on Finance took action on the matter, and inasmuch as it related to social security benefits as well as veterans' pensions, we deferred reporting the bill until the social security bill was before us. Then our committee, by unanimous vote, added the pension measure to the social security bill.

After the subcommitte action the House Committee on Veterans' Affairs sent us a bill which would prevent any veteran from having his pension reduced due to the social security increase. The cost of the bill reported by the Committee on Finance is $160 million, while the cost of the bill reported by the Veterans' Committee of the House is $230 million.

Veterans' organizations were unanimous in supporting the position of the House committee. I discussed the matter with the ranking minority member of the Subcommittee on Veterans' Legislation of the Committee on Finance, the Senator from Utah (Mr. BENNETT). I have his authority to state that he has no objection to reconsidering the matter as reported by the Committee on Finance and as passed by the Senate, and adopting the language of the House bill. I hope the Senate will so act.

Mr. HARTKE. Mr. President, at the time the question is placed, a vote of "aye" will be a vote to disagree with this procedure outlined by the Senator from Georgia, but a vote of "nay" would be in accord with the desire of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

(Putting the question.)

The "noes" appear to have it. The "noes" have it. The amendment is not agreed to.

The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15911) was ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

EXPANSION OF AGRICULTURAL EXPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1437, H.R. 14169, and that it be laid before the Senate for immediate consideration.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title 1 of such act.

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

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

Mr. TALMADGE. Mr. President, this bill would make it possible for representatives of the domestic wine industry to participate in market development activities carried out with foreign currencies made available under title I of Public Law 480, 83d Congress.

This matter was considered by the Committee on Agriculture and Forestry, after it was passed by the House, and unanimously agreed to. I hope the Senate will act favorably.

I believe the Senator from Utah has an amendment he wishes to submit.

Mr. MOSS. Mr. President, I call up my amendment No. 1048 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 2, after line 3, add the following:

SECTION 1. The College of the Virgin Islands and the University of Guam shall, after the effective date of this Act, be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

SEC. 2. In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, supra, relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands the sum

of $714,000 and to Guam the sum of $1,019,000. Amounts appropriated under this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.

SEC. 3. The Act of August 30, 1890, as amended, and the related portion of the Act of March 4, 1907 (26 Stat. 417; 34 Stat. 1281, 1282; 7 U.S.C. 322–326) are further amended—

(1) by striking the words "and Territory" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the words "and Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(3) by striking the words "or Territory" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking the words "or Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking the words "or Territorial" where they appear.

SEC. 4. Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking the words "and Puerto Rico" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the figure "$7,800,000" and substituting in lieu thereof the figure "$8,-100,000"; and

(3) by striking the figure "$4,320,000" and substituting in lieu thereof the figure "$4,-324,000".

SEC. 5. The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331), is amended—

(1) by striking the words "and Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the words "or Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking the word "State" wherever it appears in the third proviso of that Act and substituting in lieu thereof the words "State, Puerto Rico, the Virgin Islands, or Guam".

SEC. 6. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking the period at the end of the section and adding the following words: ", and the term 'State' when used in this title shall include the Virgin Islands and Guam."

SEC. 7. Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding new paragraphs (2) and (3) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

"(3) Four per centum of the sums appropriated under paragraph (2) for each fiscal year shall be allotted to the Federal Extension Service for administrative, technical, and other services provided by the Service in carrying out the purposes of this section."

SEC. 8. Section 10 of the Act of May 8, 1914, as amended (supra), as added by the Act of October 5, 1962 (76 Stat. 745; 7 U.S.C. 349), is amended by striking the words "and Puerto Rico" and inserting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam".

SEC. 9. Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking the period at the end of the first sentence thereof and adding the following language: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research."

SEC. 10. Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking the period at the end thereof and adding the words ", the Virgin Islands and Guam."

SEC. 11. Section 1 of the Act of March 2, 1887, as amended (7 U.S.C. 361a–3611), is amended by striking the period after the second sentence and adding a comma and the words, "Guam and the Virgin Islands," and deleting "and" between the words "Hawaii and Puerto Rico."

SEC. 12. Section 3 of the Act of March 2, 1887, as amended (7 U.S.C. 361a–3611), is amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding new paragraphs (2) and (3) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

"(3) Three per centum of the sums appropriated under paragraph (2) for each fiscal year shall be allotted to the Secretary of Agriculture for administrative, technical, and other services provided by the Service in carrying out the purposes of this section."

SEC. 13. With respect to the Virgin Islands and Guam, the enactment of this Act shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this Act.

Mr. MOSS. Mr. President, in the beginning there was one typographical error in the amendment. On page 3, line 10. The figure there should be $4,324,400.

I ask to modify my amendment to carry that correct figure.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Mr. MOSS. I send it to the desk.

The modification is as follows:

On page 3, line 10, after the word "figure", strike out "$4,324,000" and insert "$4,324,-400".

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. MOSS. Mr. President, this amendment is a bill dealing with the land-grant colleges in the Virgin Islands and Guam. It is a bill which was passed by the Senate earlier this year, having been considered by the Committee on Interior and Insular Affairs and reported unanimously by that committee, and then being referred to the Committee on Agriculture and Forestry and reported unanimously by the Committee on Agriculture and Forestry. The Senate then, by unanimous vote, passed the bill.

It went to the House of Representatives. There it was referred to the Committee on Agriculture, and then referred to a subcommittee. The subcommittee, in considering the bill, had a tie vote of 2 to 2 and therefore did not have a majority in the subcommittee to report the bill.

For that reason I present it now as an amendment to the agricultural bill that is before us. I do not think it is appropriate to discuss at length the merits of the bill, because that was done before. The Senate was in full agreement.

Let me say that of the educational institutions that we have in our territories and possessions and States, only these two are not participating now in the land-grant college system. This measure would enable the University of Guam and the college in the Virgin Islands to participate as each institution in each State is now qualified to do and as the college in the District of Columbia is qualified to do and as the University of Puerto Rico is qualified to do. So it is a simple matter of equity, and I think there should be no objection to it at all.

I ask for the Senate's concurrence in this amendment.

Mr. TALMADGE. Mr. President, as the Senator has stated, this amendment was reported favorably, in fact unanimously, by the Senate Committee on Agriculture and Forestry. It was also passed unanimously by the Senate after being reported unanimously by the Senate Committee on Agriculture and Forestry.

I urge the Senate to approve the amendment.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RETIREMENT OF REPRESENTATIVE JOHN O. MARSH, JR.

Mr. BYRD of Virginia. Mr. President, when the 91st Congress ends on January 3, at noon, Congressman JOHN O. MARSH, JR., of the Seventh Congressional District of Virginia, will complete his service in the House of Representatives.

I want to invite the attention of my colleagues in the Senate to what I consider to be the remarkable record which Congressman MARSH has made during the 8 years in which he has served as a Member of the House of Representatives.

Congressman MARSH was born in the city of Winchester in the Shenandoah Valley. He was elected to the House of Representatives in 1962. He was reelected in 1964, reelected in 1966, and reelected again in 1968. He will voluntarily retire from the House at the conclusion of his present term on January 3.

Congressman MARSH is still a young man. He has a fine future ahead of him. He is a man of dedication and ability. I feel that the people of the Seventh Congressional District, which is my home district, were very wise in selecting JOHN O. MARSH, JR., as their Representative in the House of Representatives during the past 8 years.

I have found, in talking with his colleagues in the House and those Members of the Senate who know him, that he is held in the highest esteem by his colleagues here in Washington.

So, as Congressman MARSH finishes his legislative career as January approaches, I want to commend him for the excellent service he has rendered the people of my congressional district, the Seventh Congressional District of Virginia. I commend Congressman MARSH on the outstanding and efficient work he has done in representing the people of the Seventh Congressional District of Virginia.

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

Mr. BYRD of Virginia. I yield.

Mr. DOLE. Mr. President, let me echo the sentiments expressed by the Senator from Virginia. Having served with JACK MARSH in the House of Representatives, I can say with absolute certainty that JACK MARSH is one of the most highly respected Members of the House, respected on both sides. I say that as a Republican. JACK MARSH is a Democrat. He is an outstanding American. I know the people of Virginia and the Seventh Congressional District of Virginia will miss him in the months and years ahead. I wish him success in his future endeavors.

Mr. BYRD of Virginia. I thank the distinguished Senator from Kansas for his remarks. I regard the remarks made by the distinguished Senator from Kansas as reflecting credit on the people of the Seventh Congressional District as well as on the distinguished Congressman, JACK MARSH.

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

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

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of 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.

AMENDMENT NO. 1147

Mr. KENNEDY. Mr. President, on behalf of myself, Senator YARBOROUGH, Senator SAXBE, Senator MATHIAS, Senator HART, Senator HUGHES, Senator MCGOVERN, and Senator MONDALE, I send to the desk an amendment to the catastrophic health insurance provisions of H.R. 17550, and I ask that the amendment may be ordered to lie on the table and be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. KENNEDY. The purpose of the amendment is to launch a new Federal "seed" program to improve the Nation's existing health care system, and to help prepare the system to meet the extraordinary new demands that will be made upon it by the catastrophic health insurance program.

The measure to provide Federal insurance against the cost of catastrophic illness is one of the most significant provisions added by the Senate Finance Committee to the social security bill. I share the committee's concern over the critical problem of catastrophic illness. Indeed, I believe that one of the most serious aspects of our national health crisis for millions of our citizens is the very real fear of financial ruin because of serious illness.

At the same time, however, such a program, if enacted by itself, runs the risk of substantially increasing the existing imbalances in our health system. I believe that if a program of insurance against catastrophic illness is to be enacted at this time, it should also include provisions dealing with the equally serious problems of the organization and delivery of health care in the Nation. In other words, I feel that any new major health insurance program cannot be simply a financing mechanism. It cannot be permitted simply to increase the effective demand for health care, without at the same time taking the essential steps that are necessary to insure that the new demand can be met, and that high quality health services will actually be available.

The amendment I have proposed would establish a Health Resources Development Account in the Catastrophic Health Insurance Trust Fund, to help solve the critical problems of manpower, facilities, and other resources in the Nation's health care system.

The Health Resources Development Account would be financed by earmarking 10 percent—approximately $220 to $250 million a year, based on present estimates—of the funds in the Catastrophic Health Insurance Trust Fund for the purposes of the account. The funds in the account would be used as "front end" money to supplement other Government health development efforts. They would pay for establishing new group practices, for manpower training and education, for creating and developing new categories and skills in the health field, for strengthening health planning activities in States and localities, and for a wide variety of other innovative programs.

Funds from the account would not replace the regular appropriations for support of ongoing health services, such as aid to medical schools and hospitals. Rather, the funds will be applied as a catalyst for innovation in all parts of the health system. In making this commitment, Congress will recognize its responsibility to the American people to assure the availability of health services, not merely to provide a payment mechanism for such services.

The approach adopted in this amendment has been specifically endorsed by many experts in the health field, including the report last June of the administration's Task Force on Medicaid.

In addition, a similar "resources development fund" approach is contained in part F of S. 4297, the bill that Senator YARBOROUGH, Senator SAXBE, 14 other Senators, and I have introduced in this Congress to establish a program of comprehensive national health insurance for the United States.

At this time, however, I would like to emphasize as strongly as I can that the amendment we are offering today is in no sense tailored to any particular version of Federal health insurance. Rather, it offers a program designed to develop the health resources needed to meet the new demand that will be made on the health systems by any extension of existing Federal health insurance programs, whether it be the catastrophic illness insurance program in the committee bill or any other program.

Mr. President, today's Washington Star carries a perceptive article by Judith Randall emphasizing the importance of including resources development provisions in health insurance legislation. Otherwise, as she states, the reach of such legislation will surely exceed its grasp.

Mr. President, I hope that this amendment will be accepted by Congress as part of the pending legislation. I ask unanimous consent that the amendment may be printed at this point in the RECORD, together with the article by Miss Randall.

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

AMENDMENT NO. 1147

On page 402, line 11, delete the quotation mark.

On page 402, insert after line 11 the following:

"HEALTH RESOURCES DEVELOPMENT ACCOUNT

"SEC. 2011. (a) There is hereby created in the Federal Catastrophic Health Insurance Trust Fund a Health Resources Development Account.

"(b) (1) For each fiscal year there shall be transferred from the Federal Catastrophic Health Insurance Trust Fund to the Health Resources Development Account 10 per centum of the amount available in such Trust Fund for obligation during that year.

"(2) In addition to the funds made available under paragraph (1) of this subsection, there are hereby appropriated to the Health Resources Development Account in the Federal Catastrophic Health Insurance Trust Fund the amount of $100,000,000 from the Federal Hospital Insurance Trust Fund.

"(3) Funds in the Health Resources Development Account shall be used exclusively for the purpose of this section, and shall remain available for such use until expended.

"(c) The purposes of this section are (1) to inaugurate an innovative program to strengthen the nation's resources of health personnel and facilities and its system of organization and delivery of health services, in order to meet the rising demand for health care, (2) to expand and intensify the health planning process throughout the United States, with primary emphasis on preparation of the health delivery system to meet such demand, (3) to provide financial and other assistance in alleviating shortages and maldistributions of health personnel and facilities, in order to increase the supply of services, and (4) to improve the organization of health services in order to increase their accessibility and effective delivery and restrain their increasing cost.

"(d) The Secretary is authorized to carry out the purposes of this section by a program of grants, contracts, loans, or other arrangements, as may be prescribed in regulations. In carrying out such purposes, the Secretary shall give priority to—

"(1) the development and support of a continuous process of health service planning, in coordination with State and local planning agencies, for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services, including identification of acute shortages and maldistributions of health personnel and facilities and serious deficiencies in the organization or delivery of health services;

"(2) improving and expanding the available resources for, and assuring the accessibility of, health services to ambulatory patients which are furnished as part of coordinated systems of comprehensive health care;

"(3) a program for the recruiting and training of professional, subprofessional, and non-professional health personnel, with emphasis on (A) the development of new kinds of health personnel, (B) the encouragement of persons disadvantaged by poverty, inadequate education, or membership in ethnic minorities to enter the health professions, and (C) the development of health personnel for urban and rural poverty areas.

"(e) Expenditures made to carry out the purposes of this section shall not be used to replace other Federal financial assistance, or to supplement the appropriations for such other assistance except to meet specific needs of programs developed under this section."

[From the Washington Star, Dec. 17, 1970]

NIXON'S TARDY HEALTH PROGRAM

(By Judith Randal)

Why—when no one at last week's televised news conference asked him specifically about the issue—did President Nixon single out health as "one of the highest priority programs" he will submit to Congress next year?

The answer is that, while the White House has ignored the matter for 18 months (ever since the President said in July 1969 that he foresaw a "massive crisis"), the legislators whom it would now bend to its will have not. Accordingly, the administration is in the uncomfortable position of being a late added starter in an already crowded race eager to make up for lost time.

It is apparent, for example, that an insurance proposal for the coverage of the expense of catastrophic illness sponsored by Sen. Russell B. Long, D-La., is the same in principle, if not in detail, as a plan the administration is mulling over. Long's bill has little chance of passage before the 91st Congress ends this month, but it will likely be reintroduced by Long in the 92nd Congress, thus casting the President in a "me-too" role.

There is, furthermore, a fundamental difficulty with both proposals which their Republican and Democratic advocates alike will be hard put to explain after their initial political popularity begins to wear off: The measures provide for federal payment of medical bills with no thought whatever of how to control costs, insure quality care or meet the additional demand for services they would create—three matters that already have evoked the nation's concern.

It might seem that this lesson had been learned from medicare, but apparently it has not, for there is nothing in either the $2.5 billion Long bill or anything the administration has said that would indicate more than lip-service interest in measures to augment the supply of health manpower or tend to make the health care system more efficient.

Indeed, to cite just one example, the number of medical students receiving federal loans has dropped by more than 8,000 since the President took office, which hardly bodes well for the easing of the doctor shortage.

The irony of all this is that the administration, after dragging its feet for nearly two years in the health care field, has resisted proposals—like that of Sen. Edward M. Kennedy, D-Mass.—for comprehensive national health insurance, arguing that personnel and facilities for such a system are lacking.

As a matter of fact, the Kennedy proposal, which has bipartisan support, makes provisions for the expanded plant, equipment and personnel which national health insurance would require.

A "toolingup" period of three years before the plan went into operation would be devoted to creating—at a total cost of about $800 million—some 2,000 fully staffed and equipped group medical practices and other facilities to care for 60 million people now without adequate medical attention.

After the preparatory period, a portion of the system's revenue would be set aside each year to enable the nation to keep pace with the inevitable growth of its case load. Nothing in either Long's bill or anything the administration is considering is anywhere near so thoroughly thought out from the viewpoint of either resources or costs.

The administration has opposed the measure on the ground, among others, that it is not in the American tradition. It would seem, however, that what Kennedy proposes could easily be justified as "research and development" which, if the space program and atomic energy are any indications, are as American as apple pie.

Even if Congress chooses to ignore the rest of the Kennedy proposal and enacts a catastrophic-illness measure that provides a subsidy only for large medical bills, it should certainly contain something very like the "toolingup period." Without it, the reach of any health care legislation, present or future, will almost surely exceed its grasp.

Meanwhile, the President is going to have to acknowledge, to himself at least, that he has an enormous credibility gap to close when he seeks to play the statesman in the health care field.

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

Mr. KENNEDY. I yield to the Senator from Ohio.

Mr. SAXBE. I am glad to be associated on this amendment with the Senator from Massachusetts, for the reason that I feel that if we go into an extensive insurance program, however well-intentioned, we will simply add to the already difficult situation of expenses that cannot be avoided today with high-priced hospital beds, and not trying to keep people out of the hospital by preventive medicine, by having preventive facilities, and by having trained personnel who can be available to persons who otherwise would wind up in the hospital.

I feel very strongly that our health distribution method in this country at the present time is sadly in need of review, and that to dump good money after bad on this catastrophic system, without putting money into the training of personnel and the providing of preventive facilities, will not solve any problem; it will simply raise the cost and increase the crowding and the load upon our physicians.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from Ohio. Together with Senator YARBOROUGH, he was one of the initial sponsors of our national health insurance program. He realizes that to obtain quality health care, what really to do is to improve the organization and delivery of health care, as well as the financing. If we are going to provide quality health care, we must approach the problem in this multifaceted manner.

I commend the amendment that was offered in the Finance Committee with respect to catastrophic illness insurance, because it does meet one of the extremely critical needs of our health system. Many citizens who have built up savings over the course of their lives are threatened with the loss of their entire savings because of catastrophic illness. We must begin now to attack this problem, but we must also begin to come to grips with the problem of the shortage of health manpower in this country and all the other inadequacies of our health delivery system.

The whole thrust and purpose of this amendment is to take a small but important step forward to try to alleviate that shortage. I think it is a responsible approach. I think it is extremely reasonable in terms of resources. It will not take additional commitments of resources that will be raised under the that will be raised under the amendment of the Finance Committee with respect to catastrophic illness.

It is not an amendment that will require additional funding for this program. That should be understood at this time. But it is something that will help provide additional manpower and other health resources. As a result, hopefully, we will begin to reduce the inflationary trend that has been rampant in the entire health service area in recent years.

Inflation in the health area is between two and three times as much as it is generally in our economy. I think that one of the principal reasons for this excessive inflation is that in programs like medicare and medicaid, the Federal Government has increased the demand for health care, without providing any means to increase the supply of health services. It is for this reason that the Senator from Ohio and I and other Senators have offered this amendment.

Mr. TALMADGE. Mr. President, I want to be sure that the Senate knows what the issue is that is pending before the Senate at this time. The amendment now pending is one offered by a number of Senators, and it relates only to textiles and footwear.

The President of the United States has repeated, time after time after time, that he wants this Congress to act on an amendment relating to the textile industry. In fact, recently he indicated that he is prepared to call Congress back into extraordinary session to act if we do not act.

I invite the attention of Senators to the report of the Committee on Finance, beginning at page 266 and continuing through page 275, which explains the pending amendment in detail. It relates purely to footwear and to textiles, and relates to no other issue whatever.

I point out that the amendment would authorize the President of the United States to reduce tariffs if it is necessary to order to complement any quotas he may impose. No quotas whatever, upon any article, would become mandatory. But it would give the President of the United States the tools with which to negotiate with foreign countries from a position of strength, in order to protect the jobs of millions of Americans.

THE PRESIDENT'S POSITION

I am sure that many Senators listened the other night, as I did, to the President of the United States when he had his press conference. I also read his report in the news media very carefully thereafter. The President stated that he was opposed to any quotas that would reduce American jobs, but he was in favor of quotas that would protect American jobs. That is the issue before the Senate at this time.

THE SENATE'S RECORD

This is not a new issue before the Senate. We have had the issue before us from time to time for quite a number of years. In fact, on two occasions, last year and the year before, the Senate voted, by overwhelming majorities in the affirmative, to give the President the power to act.

I have in my hand a Xerox copy of "Senate Voting Record No. 56" of March 27, 1968, the 90th Congress, showing that an amendment was offered to the Tax Adjustment Act of 1968. The pending issue at that time was the Hollings-Thurmond amendment providing authority for the President to negotiate import quotas on textile articles. The affirmative vote was "yea" and the negative vote was "nay." The yeas were 55, and the nays were 31. It received a majority of the votes of the Democratic Party and also of the Republican Party.

I ask unanimous consent, Mr. President, to have printed at this point in the RECORD the vote that occurred at that time.

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

[Senate voting record, No. 56, Mar. 27]

TAX ADJUSTMENT ACT OF 1968

Legislation: H.R. 15414, to continue the existing excise tax rates on communication services and on automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations.

Vote Analysis: Hollings-Thurmond amendment providing authority for the President to negotiate import quotas on textile articles, but excluding certain natural fibers; if, after 180 days, executive agreements are not reached, quotas will go into effect limiting textile imports to the 1961–66 average.

RESULT OF VOTE: AMENDMENT AGREED TO

Yeas (55)

Democrats (35 or 67%)

Anderson, Bayh, Bible, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Church, Clark, Dodd.

Eastland, Ellender, Ervin, Hartke, Hill, Holland, Hollings, Jordan, N.C., Long, La.

McClellan, McGee, McGovern, McIntyre, Montoya, Moss, Muskie, Nelson.

Randolph, Ribicoff, Russell, Sparkman, Spong, Stennis, Symington, Talmadge.

Republicans (20 or 59%)

Allott, Baker, Bennett, Brooke, Carlson, Cotton, Curtis, Dominick, Fannin, Hruska.

Jordan, Idaho, Mundt, Murphy, Pearson, Prouty, Scott, Smith, Thurmond, Tower, Young, N. Dak.

Nays (31)

Democrats (17 or 33%)

Bartlett, Brewster, Fulbright, Gore, Gruening, Hart, Inouye, Jackson, Lausche, Magnuson, Mansfield, Metcalf, Mondale, Monroney, Promire, Tydings, Young, Ohio.

Republicans (14 or 41%)

Aiken, Boggs, Case, Cooper, Dirksen, Fong, Griffin, Hatfield, Hickenlooper, Kuchel, Miller, Morton, Percy, Williams, Del.

Not Voting (10)

Democrats (8): Hayden—PF(2), Kennedy, N.Y.—AN(2), Long, Mo.—A(1), McCarthy—A(2), Morse—AN(1), Pastore—PF(2), Pell—PF(2), Yarborough—A(2).

Republicans (2): Hansen—AF(2), Javits—PA²(2).

¹ Present and Giving Live Pairs: Harris (PA), Kennedy, Mass. (PA), Smathers (PA), Williams, N.J. (PF).

² Receiving Live Pairs: Pell (PF), Hayden (PF), Pastore (PF), Javits (PA).

Symbols: A—Absent, AF—Announced For, AN—Announced Against, PF—Paired For, ¹ Live Pair Given, ² Live Pair Received.

Explanation of absenteeism: (1) Official Business, (2) Necessarily Absent.

ANALYSIS OF ISSUE VOTED ON

A Presidential Recommendation? H.R. 15414—Yes.

Administration's Position: Against Amendment.

Administration's Position: *Supported,* D—17 or 33%, R—14 or 41%.

Opposed: D—35 or 67%, R—20 or 59%.

Party Cohesion, D—67%, R—59%.

Measure of Party Support on Issue as Voted on:

For (55), D—35 or 64%, R—20 or 36%.

Against (31), D—17 or 55%, R—14 or 45%.

Mr. TALMADGE. I hold in my hand a similar Xerox copy of December 10, 1969, the 91st Congress. The issue then was tax reform. At that time, pending before the Senate was an amendment offered by the Senator from New Hampshire (Mr. COTTON) and others to add to the committee bill a provision authorizing the President to impose restrictions on the importation of Foreign articles, and so forth. There was a record vote. The yeas were 65, and the nays were 30. It received a majority of the votes of the Senators in the Republican Party and a majority of the votes of the Senators in the Democratic Party.

Mr. President, I ask unanimous consent to have a copy of that vote printed at this point in the RECORD.

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

[Senate Voting Record, No. 178, Dec. 10]

TAX REFORM—TAX RELIEF

Legislation: H.R. 13270, the Tax Reform Act of 1969.

Vote Analysis: Cotton, et al., amendment to add to the committee bill a provision authorizing the President to impose restrictions on importation of foreign articles if they have reached such a level that their importation disrupts the domestic market or is causing injury to industries, firms or workers in the United States and the exporting country has restrictions on U.S. imports. (See also Vote No. 177.)

RESULT OF VOTE: AMENDMENT AGREED TO

Yeas (65)

Democrats (36 or 67%)

Allen, Bayh, Bible, Byrd, Va., Byrd, W. Va., Cannon, Church, Dodd.

Eastland, Ellender, Ervin, Hartke, Holland, Hollings, Inoye, Jordan, N.C., Long, Magnuson, Mansfield, McCarthy.

McClellan, McGee, McGovern, McIntyre, Montoya, Muskie, Pastore, Pell.

Randolph, Ribicoff, Russell, Sparkman, Spong, Stennis, Talmadge, Young, Ohio.

Republicans (29 or 71%)

Allott, Baker, Bellmon, Bennett, Boggs, Brooke, Cook, Cotton, Curtis, Dole.

Dominick, Fannin, Gurney, Hansen, Hruska, Jordan, Idaho, Miller, Murphy, Pearson, Prouty, Saxbe.

Schweiker, Scott, Smith, Maine, Smith, Ill., Stevens, Thurmond, Tower, Young, N. Dak.

Nays (30)

Democrats (18 or 33%)

Burdick, Cranston, Eagleton, Gore, Gravel, Harris, Hart, Hughes, Jackson, Kennedy.

Metcalf, Mondale, Moss, Nelson, Proxmire, Tydings, Williams, N.J., Yarborough.

Republicans (12 or 29%)

Aiken, Case, Cooper, Fong, Goodell, Griffin, Hatfield, Javits, Mathias, Packwood, Percy, Williams, Del.

Not voting (5)

Democrats (3): Anderson—A(2), Fulbright—A(2), Symington—A(2).

Republicans (2): Goldwater—AF(1), Mundt—A(3).

Symbols: A—Absent, AF—Announced For.

Explanation of absenteeism: (1) Official Business, (2) Necessarily Absent, (3) Illness.

ANALYSIS OF ISSUE VOTED ON

A Presidential Recommendation? H.R. 13270—No.

Administration's Position: Against Amendment.

Administration's Position: *Supported,* D—18 or 33%, R—12 or 29%.

Opposed, D—36 or 67%, R—29 or 71%.

Party Cohesion: D—67%, R—71%.

Measure of Party Support on Issue as Voted on:

For (65), D—36 or 55%, R—29 or 45%.

Against (30), D—18 or 60%, R—12 or 40%.

THE ISSUE IS JOBS

Mr. TALMADGE. Mr. President, what are the facts? According to the President of the United States, the textile industry particularly is in a serious dilemma in this country. I happen to know that, because in my own State of Georgia, the textile and garment industry make up approximately 40 percent of the industrial jobs. In fact, there are 2,400,000 textile jobs in the United States. One out of every eight industrial jobs in the United States is in the textile and garment industry.

What are the facts? The Secretary of Commerce, Mr. Stans, says that we are losing those jobs at the rate of 100,000 per year. Every day, we read in the newspapers about a textile mill being closed in this country and hundreds of people being thrown out of work. In many instances, they are required to go on relief, because no other job is available. In many instances, these jobs are the only industrial jobs in the area; and when those mills close, it has a completely calamitous effect on the economy of that area.

THE TRADE DEFICIT

Mr. President, not too many years ago, the textile industry was one of the large earners of dollar exchange for the United States. What are the facts at the present time? In 1969, the United States of America exported $784,000 worth of textiles and clothing. What is the figure on imports? The figure is $2,124,700,000. In other words, the deficit on textiles alone in 1969 was $1,340,100,000.

Mr. President, I ask unanimous consent to yield to the distinguished majority leader, with the reservation that I retain the floor and that my remarks not be considered a second speech.

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

Mr. MANSFIELD. Mr. President, with those provisos, would the distinguished Senator mind, so that we could take up a very important conference report on the Omnibus Crime Control and Safe Streets Act, with the further stipulation that it will not interrupt the stream of thought and colloquy in which the Senator is engaging.

Mr. TALMADGE. I am delighted to yield to the majority leader for that purpose.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—CONFERENCE REPORT

Mr. McCLELLAN. 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. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. STEVENSON). 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. 16, 1970, pp. 42036–42040, CONGRESSIONAL RECORD.)

Mr. McCLELLAN. Mr. President, the primary purpose of H.R. 17825 is to make a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) that established the Law Enforcement Assistance Administration. The major provisions of title I of the amended bill would:

First. Authorize appropriations for the next 3 fiscal years.

Second. Revise the administrative management of the Law Enforcement Assistance Administration.

Third. Relax in defined areas on a showing of need the matching requirements for discretionary and block grants.

Fourth. Relax certain of the restrictions on the use of grant funds for salaries.

Fifth. Authorize waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units.

Sixth. Revise the provisions under which a part of each State's block action grant must be made available to local units.

Seventh. Provide that each State must allocate adequate assistance of title I block grant funds to areas characterized by high law enforcement activity.

Eighth. Provide for State contribution, on an aggregate basis, to the local share of funding.

Ninth. Establish a new program for the construction, acquisition, and renovation of correctional facilities and programs.

Tenth. Expand the law enforcement education programs.

Eleventh. Make numerous changes in the administrative provisions of title I of the act designed to increase the operational efficiency and staff capability of the administration.

In addition, titles II through VI of the bill make a variety of needed changes in the field of criminal justice.

Title II authorizes stricter sentences where firearms are used in the commission of felonies. This provision was based on legislation offered by the Senator from Montana (Mr. MANSFIELD) and the Senator from Nebraska (Mr. HRUSKA).

Title III authorizes appeals in certain classes of criminal cases. This provision was based on S. 3132, introduced by the Senator from Nebraska (Mr. HRUSKA). See generally Senate Report 91–1296, 91st Congress, second session—1970—for its legislative history.

Title IV provides Federal protection to Members of Congress against assassination and assault. This provision was based on S. 642, introduced by the Senator from West Virginia (Mr. BYRD). See generally Senate Report No. 91–1249, 91st Congress, second session—1970—for its legislative history.

Title V provides Federal protection for the President in his travels and his temporary residences. This provision was based on S. 2896, introduced by the Senator from Nebraska (Mr. HRUSKA). See generally, Senate Report 91–1252, 91st Congress, second session—1970—for its legislative history.

Title VI reestablishes and strengthens the Federal Commission on Wiretapping created by the 1968 act, but repealed by Public Law 91–452.[1] This provision was based on legislation introduced by the Senator from Nebraska (Mr. HRUSKA).

Mr. President, this Conference Report represents the hard work of a number of days of debate, discussion, and fair compromise. Not all of the provisions of the Senate amendments are contained in the bill, but H.R. 17825 is a good bill, and it deserves the support of the Senate.

Mr. President, this report was signed by all the conferees in both House and Senate. I think we had four or five sessions of the conferees in the conference. The bill was thoroughly examined and each provision that was at all in disagreement was thoroughly discussed and decision arrived at on a give and take basis, with the stronger arguments, in most instances, the basic and sounder reasons, prevailing for what was ultimately agreed to by the conference.

I am glad now to yield to the distinguished Senator from Nebraska (Mr. HRUSKA).

Mr. HRUSKA. Mr. President, on Wednesday, October 8, 1970, the Senate overwhelmingly passed the Omnibus Crime Control Act of 1970, H.R. 17825. The primary purpose of the bill was to authorize appropriations for the Law Enforcement Assistance Administration in the next 3 fiscal years. The bill also made a number of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 which were designed to strengthen the LEAA program.

Extensive hearings were held by the Senate Judiciary Committee on the bill and the legislation, as passed, had strong bipartisan support in committee and on the floor of the Senate.

The Senate bill differed significantly from the bill passed by the House. Mr. President, despite the significant differences in the Senate and House bills, and despite the strong insistence of the House conferees on provisions of the House bill, I believe we have been successful in preserving the essential character of the Senate bill. The conference report we bring back today includes virtually all of the essential features of the legislation which passed in the Senate.

I would now like to review some of the major points in the Senate bill which the Senate conferees were able to insist upon and retain. I would also like to discuss a few of the House provisions which were accepted in conference.

ADMINISTRATIVE MANAGEMENT OF LEAA

The conferees have agreed to the Senate provision for revising the administrative management structure of LEAA.

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[1] A question arose in the conference on the relationship between 1 U.S.C., sec. 108—dealing with the effect of repealers—and title VI; it was resolved, however, on the basis that the expression of the Congress to reenact title IV of the 1968 act and amend it accordingly was adequately expressed and that no specific addition of new language was necessary.

This provision retains the so-called troika in a modified form. It gives the Administrator control over the administrative functions of the agency. These functions are presently vested in the administration and this provision would provide in essence that they be exercised by the Administrator on behalf of the administration. With respect to all other functions, powers, and duties, the Administrator and Associate Administrators are partners. These functions, powers, and duties are to be exercised by the Administrator and Associate Administrators with the concurrence of any two of the three. As we stated in the Senate report on the bill, these modifications should "assure the operational and management efficiency of LEAA without placing too much power into too few hands for a program involving a national impact on police."

PLANNING GRANTS

The conferees also agreed to provisions in the Senate bill authorizing LEAA to waive in selected cases the present requirement that 40 percent of the planning funds allocated to a State be passed through to its units of local government. The conferees at the time agreed to the Senate provision requiring States to pass through planning funds to major cities and counties in the State. As was indicated in an earlier speech on the bill, LEAA can administratively determine what constitutes a major city or county within the meaning of this provision. I also indicated that these major cities and counties would include at least those in the standard metropolitan statistical areas. However, if LEAA determines that some other standard should be applied in designating major cities and counties, they can still be in conformance with the intent of this provision.

Finally, the conferees agreed to accept the House provision dealing with the representation requirements of State planning agencies. The equivalent Senate provision would have required that, insofar as it was not inconsistent with the provisions of any other law, the State and regional planning agencies be representative of law-enforcement agencies, units of general local government, public agencies maintaining programs to reduce and control crime, and the general community within the State. The House provision would delete the requirement that the planning agencies be representative of the general community within the State. It is not intended to limit the authority of States or units of local government to designate for LEAA planning, planning agencies established for other Federal programs such as the model cities program or the National Highway Safety Bureau program.

CONSTRUCTION GRANTS

Section 301(b) of the Safe Streets Act designates grant programs which can be funded by LEAA with action grants. The conferees agreed to add language from the House bill which would expand the present language authorizing grants for the construction of buildings or other physical facilities. This language would provide that construction grants could be made for local correctional facilities, centers for the treatment of narcotics addicts, and temporary facilities in areas of high crime incidence. This amendment had been considered by the Senate Judiciary Committee when the House bill was originally before it and had not been included because the committee felt that the present language in the Safe Streets Act would authorize these programs. The earlier action is now corrected.

CRIMINAL JUSTICE COORDINATING COUNCILS

The House and Senate bills both provided for an amendment to section 301 (b) of the act to authorize the establishment of criminal justice coordinating councils. However, the conferees agreed to a provision from the Senate bill which would limit the eligibility of units of general local government or combinations of such units for grants under this program unless they had a population of 250,000 or more. The Senate Judiciary Committee in its report indicated that this limitation was added because establishment of councils for smaller population areas would be a needless proliferation of the planning function.

COMMUNITY BASED CORRECTIONAL PROGRAMS

The conferees agreed to accept a provision from the Senate bill which adds a new subparagraph to section 301(b) authorizing the use of part C funds for the development of community-based delinquency and correctional programs as an alternative to institutional confinement. The Senate report in discussing this section stated that the funding of such programs under the present law is permissible but it is hoped that express authority will provide an incentive for the States and cities to develop and fund such programs.

THE LAW ENFORCEMENT NEEDS OF LOCAL GOVERNMENTS

The conferees adopted a modified version of the provision in the House bill dealing with the law enforcement needs of local governments. This provision would provide that LEAA approval of State plans for law enforcement assistance is dependent upon an express finding that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity. This means, as stated in the House report, that State planning agencies should generally correlate the benefits of anticrime efforts with the incidence of crime in particular areas. These benefits would include, for example, expenditures by States for correctional facilities which regularly incarcerate criminals from areas characterized by high crime incidence or high law enforcement activity.

FLEXIBLE PASS-THROUGH AMENDMENT

The conferees also accepted the Senate provision to amend section 303(2) of title I of the Safe Streets Act by providing a flexible pass-through arrangement in lieu of the present requirement that 75 percent of all action funds granted to a State planning agency must be passed through to local units of government. The conferees delayed the operation of this provision until fiscal year 1973.

Section 303(2) originally was included in the act to reflect a finding by the Congress that approximately 75 percent of total nationwide law enforcement expenditures by State and local governments is spent by local governments. This finding was based upon information developed by the President's Crime Commission and the Census Bureau showing total nationwide expenditures, not State-by-State breakdowns. Studies have shown the 75 percent pass-through formula is not representative of the State-local division of law enforcement expenditures in many States.

The flexible pass-through amendment provides that the percentage of money passed through by each State to its units of local government will be in proportion to the law enforcement expenditures by the units of local government in that State for the latest fiscal year for which expenditure data is available. Expenditures for corrections, police operations and the courts will be considered as well as expenditures for the prevention and control of juvenile delinquency and narcotics addiction when they become available. No expenditures derived from Federal funds will be included in this determination.

The purpose of the flexible pass-through is to assure that there is an "appropriately balanced allocation" of action funds between the States and their local government units, as required by section 303(3) of the act. Enforcement of the existing pass-through requirement in States such as Alaska, Delaware, Rhode Island, North Carolina, and Vermont, which bear up to 75 percent of the cost of some or all components of law enforcement in the State, cannot result in an "appropriately balanced allocation" of action funds between these States and their units of local government, and operates to the detriment of these States.

In order to administer the increased responsibilities of LEAA authorized by this bill, the conference authorized 20 additional supergrade positions for the Administration. The assignment of these positions will in no way hamper the Attorney General in carrying out the effective responsibilities of the Department.

STATE ASSISTANCE TO UNITS OF LOCAL GOVERNMENT

The conferees also adopted the so-called buy-in provision in the House-passed bill to require that the States provide at least one-fourth of the non-Federal funding required for federally assisted local law enforcement programs. The provision applies only to block grants and not to discretionary grants made under section 306 of the act. The conference substitute conforms to the House bill with the exception that the State contribution requirement is deferred until fiscal year 1973 and expressly provides that the State contribution will be on an aggregate basis rather than on a project-by-project basis.

The provision is a new concept in Federal-State relationships and could have a significant impact on State participation in LEAA programs. It was the subject of extensive discussion in the con-

ference and only after many days of conference meetings was it finally agreed to by the Senate conferees.

GRANTS TO CORRECTIONAL FACILITIES

The conferees also agreed to accept the House version of the provision adding a new part E to the Safe Streets Act. Part E establishes a new program authorizing LEAA to make grants for the development of new correctional facilities and the improvement of correctional programs. LEAA will be authorized to make both block grants and discretionary grants under this program and to pay up to 75 percent of the cost of any program funded with part E funds. The State and local government share of these programs can be met by either money or donated goods and services. Such services could include, of course, those of inmates of correctional institutions.

The conferees also accepted a provision in the Senate bill which would require under part E that emphasis be placed on a community-based correctional facilities. Part E, as accepted by the conferees, is substantially identical to the provisions which I introduced in a bill earlier in this session. It is anticipated that the programs funded under this section should have a significant impact on the problems of law enforcement.

MATCHING

The conferees reached a compromise between the House and Senate provision on matching requirements for action grants. The conference report increases the Federal match for any block grant program from 60 to 75 percent. The Senate bill would have raised this share from 60 to 70 percent. Similarly, the committee placed the Federal share of all discretionary grant programs at 75 percent while the Senate bill would have placed the Federal share at 70 percent.

The new provisions, on the whole, are more desirable. The important point is that the new formulas will mean substantially more money for States and units of local government.

The conferees also accepted a modified version of the Senate provision which would require States and units of local government to provide part of the share of action programs from money allocated for matching LEAA grants. The modified provision would require that 40 percent of the non-Federal share of action programs be in money appropriated for this purpose. The provision would be made effective in fiscal year 1973. The modified version also provides that this so-called hard match need not be appropriated for each and every program undertaken by units of State or local government but may be applied in the aggregate. The hard match would include any funds appropriated by a State or unit of local government which are specifically earmarked for matching LEAA action grants.

LEAA experience in the past 2 years has found that the State and local share of action programs has frequently if not always been figured in donated property or services and it is hoped that the provision for hard match will stimulate the expenditure of new funds for law enforcement purposes.

It should be noted that while the effect of the hard match will be delayed until fiscal year 1973, the new matching formulas will apply immediately to fiscal year 1971 action funds.

AUTHORIZATIONS

The Senate bill authorized appropriations for LEAA of up to $650 million for fiscal year 1971, $1.15 billion for fiscal year 1972, and $1.75 billion for fiscal year 1973. The Senate amendment further provided that of such funds $100 million in fiscal year 1971, $150 million in fiscal year 1972, and $250 million in fiscal year 1973 should be used for the purposes of part E.

The conference provision is in substantial conformance with the Senate amendment except that it earmarks up to $120 million for part E in fiscal year 1971 and for each fiscal year thereafter it provides that there shall be allocated for the purposes of part E an amount equal to not less than 20 percent of the amount allocated for the purposes of part C.

It should be noted that the appropriations bill for LEAA for fiscal year 1971 has already been enacted by Congress and signed into law by the President. LEAA has already distributed a significant amount of its funds to the States and units of local government and presently does not have funds which it can allocate for part E purposes. Accordingly, it will not be practical for LEAA to allocate $120 million for part E programs in this fiscal year without supplemental appropriations. It is anticipated that LEAA will discuss our amendments with its appropriations committees in an effort to determine if and to what amount additional funds can be obtained for part E in this fiscal year.

There was complete agreement, Mr. President, in the final version of the bill. All the conferees from both bodies signed the conference report. We feel that there has been a successful effort to preserve the essential characteristics of the 1968 bill and to update it in the light of the experience gained in the first 2 years of this very important program.

Mr. President, I particularly want to commend the chairman (Mr. McCLELLAN) as well as the staff for their persistent leadership and patience with the many varying versions with which we were initially confronted.

Each of the conferees made important contributions to the final bill and I want to thank each for the cooperative spirit which prevailed throughout our many meetings. I particularly want to commend the very capable chief counsel of the Criminal Laws Subcommittee, G. Robert Beakey, who worked hard and diligently to bring this bill—in this form—into being. I also want to thank the minority counsel, Malcolm Hawk, who worked closely with me on this matter for his highly effective and skilled assistance in bringing about this fruitful final result.

I thank the Senator from Arkansas very much for yielding to me.

Mr. McCLELLAN. Mr. President, I certainly join in the remarks of the distinguished Senator from Nebraska in complimenting the staff. We have a very able staff on the subcommittee. They performed with commendable dedication and efficiency. Without their guidance and help, we might still be in conference.

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

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my understanding that the new program authorized by the Senate amendment to deal with awards for distinguished service in the field of law enforcement has been deleted by the conference. We all understand the exigencies of time here.

I wonder if I could inquire of the chairman if he has an intention to consider early hearings on that bill in the next session of the Congress so that we might get it moving again early in the next session.

Mr. McCLELLAN. I might say to the distinguished Senator from Alaska that my recollection is—and I am sure I am correct in this, that was an amendment that was not processed by the committee, but was an amendment which the distinguished Senator from Alaska offered on the floor.

Mr. STEVENS. The Senator is correct.

Mr. McCLELLAN. Mr. President, as manager of the bill, I discussed this with the Senator briefly at that time. I found no objection to it, and I think virtually I accepted it as an amendment to the bill on the Senate floor.

In conference the conferees of the other body did object to it and gave various reasons.

I think I can assure the Senator that if it does come up as a separate bill, is processed by the committee and passed through the Senate, we will have a reasonable good chance—I cannot assure him of that, but in my judgment, it would have a reasonably good chance—of being accepted.

The distinguished Senator from Nebraska may comment on it if he wishes.

I could not find anything wrong with the Senator's amendment. To me, it has qualities that commend it, I think, to the acceptance of the Senate and to enactment as a statute.

Mr. President, I yield now to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I join with the Senator from Arkansas in that report on the fate of that amendment.

We did try to preserve the amendment, but the other body was insistent that we delete it together with some other material in the Senate bill.

Mr. McCLELLAN. Mr. President, we had to give up on something. We did everything we could to preserve it. It was just one of those things that we had to sacrifice in the give-and-take process.

Mr. HRUSKA. Mr. President, the Senator is correct. I would suggest that we do consider it at an early time next year as an independent bill or as an amendment to some other measure dealing with this subject.

Mr. McCLELLAN. I would encourage the distinguished Senator from Alaska to reintroduce his bill early in the next session of the Congress.

The committee is going to continue to be active in the prosecution of this matter. We have worked hard, as indicated by the report. We included in the bill a number of bills before our committee. We processed them and took all of them, or part of them, in order to expedite their passage.

We will certainly give preferred consideration to the Senator's bill if he reintroduces it.

Mr. STEVENS. I thank the Senator.

Mr. MANSFIELD. Mr. President, during this Congress, the Senate has addressed itself most forcefully to the problems of crime. In this area, the Senate's record has been unimpeachable, having passed about all of the proposals requested by the President and a number more initiated on its own. Much of the Senate's work product is contained in the pending conference report on H.R. 17825, handled so ably by the senior Senator from Arkansas (Mr. McCLELLAN). Thanks to his efforts, the anticrime record of the Senate has been truly outstanding. And it should be said that no Member of this body understands better or appreciates more the problems of crime than does Senator McCLELLAN. In my own, less expert way, I share his concern. I am alarmed with mounting crime statistics; I am appalled particularly by the use of firearms by criminals in our society. Action must be taken to curb the criminal's quick resort to a gun when deciding to commit his insidious acts.

It was for this reason, of course, that the old gun control laws of the 1930's were revamped in 1968 and resulted in the gun crime measure of that year. It was for this reason as well that I introduced S. 849, the stricter gun sentencing bill and am gratified to know that that bill—having passed the Senate unanimously—has become title II of the pending measure.

This represents a different approach to curtailing gun crime—an approach that says to the criminal in terms that are clear and simple that the mere use of a gun will itself be met with punishment that fits such an act of violence. In short, the criminal use of guns requires our closest attention. With this stricter gun sentencing provision we have taken an effective step in the right direction. It will serve, I hope, as a primary focal point for the criminal. The decision is his. It is he who must choose to resort to a gun. It is he who now will find that act alone sufficient to warrant a stiff prison term, notwithstanding the underlying crime he commits.

I am not a lawyer, but I do know that many jurists contend that some leeway ought to be given the court in the case of first offenders. I note that such a precaution is written into this provision.

But in the case of the sentence given the second and subsequent offender, I would ask the able manager of this proposal how he construes the meaning of this language which I quote from the conference report:

> Notwithstanding any other provision of law, the court shall not suspend the sentence or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.

Mr. McCLELLAN. It is quite simple. It means that the gun offender will be required to serve a separate and additional sentence for his act of using a gun. There is no discretion given; there is no way this additional sentence can be avoided.

Mr. MANSFIELD. I thank the distinguished Senator. All criminals should be on notice. Their mere choice to use a gun will be punished and there is no way that the punishment can be avoided. Again, I commend Senator McCLELLAN for assuring that this provision incorporated from my bill—the Lesnik bill—was written into this major crime proposal. Again, I thank him on behalf of the Senate for his splendid leadership in this whole area.

Mr. McCLELLAN. Mr. President, I move the adoption of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, one thing I am happy about in the bill is the provision which makes the carrying of a gun in the commission of a crime a crime in and of itself. I think that will be one of the most effective means to cope with and to combat and to overcome crime that this Congress will have done in many a year, if not in many a decade.

Something must be done to take care of the situation which confronts the people of this country. In the urban areas, where 76 or 77 percent of our population live, something must be done also to make sure that the constitutional rights of the wronged, the raped, the murdered, and the relatives of the murdered are given just as much consideration as are the constitutional rights of those who are accused.

I think we have placed too much reliance on the latter and not enough on the former.

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order?

The Senator may proceed.

Mr. MANSFIELD. Mr. President, it was with that thought in mind that about a week ago I introduced another bill, on which I do not expect action to be taken this year, but one which would set up a set of compensatory payments for the victims of crime and in that way bring about an alleviation of the situation which, I repeat, is getting out of hand in all too many parts of the country, in the urban areas especially, but the rural areas have not escaped either.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Senate go into executive session to consider three nominations on the Executive Calendar which were reported earlier today.

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

U.S. DISTRICT COURT

The assistant legislative clerk read the nomination of Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of H. Kenneth Wangelin, of Missouri, to be a U.S. district judge for the eastern and western districts of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of William H. Webster, of Missouri, to be a U.S. district judge for the eastern district of Missouri.

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, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

TRIBUTES TO BE PAID TO SENATOR WILLIAMS OF DELAWARE ON TOMORROW AND SENATOR HOLLAND ON SATURDAY

Mr. MANSFIELD. Mr. President, beginning at 9 o'clock tomorrow morning, the distinguished junior Senator from Delaware (Mr. BOGGS) will be in charge of 1 hour for the purpose of extending our tributes and appreciation to a departing Member, the distinguished senior Senator from Delaware (Mr. WILLIAMS).

I hope that Members will be aware of this and will be on the floor if they possibly can.

On Saturday morning, the distinguished junior Senator from Florida (Mr. GURNEY) will lead in a round of tributes to the distinguished retiring senior Senator from Florida (Mr. HOLLAND).

Mr. President, I make these remarks at this time because under the cloture motion which has been filed, it would be mandatory following the rules that the vote on Saturday would take place at 10 o'clock in view of the previous agreement reached covering the allocation of the floor to the distinguished Senator from Florida (Mr. GURNEY).

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the 1-hour time under the cloture motion begin at 10 o'clock on Saturday morning, and that the vote on the cloture motion occur at 11 o'clock.

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

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. TALMADGE. I yield to the distinguished acting minority leader with

the understanding that I not lose my right to the floor and that my speech not be construed as a second speech.

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

Mr. GRIFFIN. Mr. President, I wish to associate myself with the comments of the distinguished majority leader who has referred to the time set aside on Friday to pay tribute and respect to the distinguished senior Senator from Delaware (Mr. WILLIAMS) and on Saturday to the senior Senator from Florida (Mr. HOLLAND).

I suggest that Senators might want to be on the floor. I also want to remind Senators that since the time is limited to 1 hour in each case and since only a limited number of Senators will be able to speak, prepared statements of Senators will be welcome and, of course will be printed in the RECORD as though delivered.

On another matter, I would like to ask the majority leader if he intends in connection with the request for Saturday that the time available before the cloture vote should be divided?

Mr. MANSFIELD. Yes. I would suggest that the time be divided between the manager of the bill and the minority leader or whomever he may designate.

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

NAME OF SENATOR RANDOLPH ADDED TO CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) be added to the cloture motion.

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

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of 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.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of the pending amendment.

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

Mr. TALMADGE. Mr. President, I stated that the unfavorable balance of payments on textiles for the year 1969 was $1,340,100,000. I ask unanimous consent that a table relating to imports and exports of textiles and garments for that year be printed at this point in the RECORD.

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

U.S. TRADE BALANCE, CALENDAR 1969

[In millions of dollars]

	Exports	Imports	Balance
All countries	$37,444.3	$36,051.8	$1,392.5
Japan	3,461.8	4,888.3	(1,426.5)
All countries:			
Textiles	575.5	1,019.0	
Clothing	209.1	1,105.7	
Total	784.6	2,124.7	(1,340.1)
Japan:			
Textiles	12.2	284.9	
Clothing	2.3	254.7	
Total	14.5	539.6	(525.1)

Mr. TALMADGE. Mr. President, as Senators know, for the past 20 years we have had a favorable balance of payments only twice. We have had an unfavorable balance of payments in 18 out of the past 20 years. What has been the result? We have short term dollar claims overseas of $42 billion. How much gold do we have to settle those claims of $42 billion? We have a little over $10 billion. In other words, our short term liabilities are more than four times as great as short term assets.

If any State bank in the United States were in that position the State superintendent of banks would close that bank down before the sun rises tomorrow morning. If a Federal bank were in that position the Comptroller General would close it down before the sun rises tomorrow morning. That is the issue the United States faces on trade at the present time.

In addition to that, we have the unemployment rolls rising by leaps and bounds. Unemployment now stands at 5.8 percent of our labor force. It has increased by about 1.5 percent in the past year.

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

Mr. TALMADGE. I am delighted to yield to my friend and colleague, the Senator from Rhode Island.

Mr. PASTORE. Mr. President, now that my distinguished colleague from Georgia has mentioned the question of unemployment in the textile industry I thought I should rise at this moment because I have before me an article from the Providence Evening Bulletin of Monday, December 14. That is just the other day. I should like to read the article in this newspaper. It is an AP dispatch. The headline is "Japan Labor Shortage Worsens." Mr. President, mind you, not employment, but the shortage of labor in Japan worsens. The article reads:

> A three-man fact-finding mission from the Organization for Economic Cooperation and Development has discovered that Japan needs to formulate an entirely new policy to cope with its increasing labor shortage * * *

Mind you, Mr. President, in the United States we are dealing with unemployment. Unemployment is already over 5 percent of our labor force. Our mills are all on short time. The garment workers are all on short time. There is no longer time and a half or double time. Our mills are closing in droves. Yet with all of these imports coming from Japan where the balance of payments is $1.5 billion in their favor, we are looking for jobs and they are looking for workers. If that is not an irony confronting the American people I would like to know what the tragedy really is.

Mr. President, because I think all Americans should read this article I ask unanimous consent that it be printed in the RECORD.

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

JAPAN LABOR SHORTAGE WORSENS

TOKYO.—A three-man fact finding mission from the Organization for Economic Cooperation and Development has discovered that Japan needs to formulate an entirely new policy to cope with its increasing labor shortage, labor ministry sources said over the weekend.

They said the mission also found the need for Japan to build a stronger national coordinating capacity on industrial employment policies and to expand its adult occupational training services.

The mission will report its findings to the OECD's labor and social problems committee.

The committee will work out a recommendation to the Japanese government on the basis of the report to improve labor conditions in Japan.

Mr. PASTORE. Mr. President, here, we find the biggest offender is Japan. We have been trying harder and harder to get them to agree bilaterally and the answer always has been no, that we would disrupt the political structure of Japan if we were to do that. Here they are. They are looking for workers. They are short of workers and we are short of jobs.

Mr. President, I am telling you, and I say to my friend from Georgia, that this is the time to take a good, hard look to see what we are doing to ourselves. This idea that the textile industry is going to be the basic part of our foreign aid program has to come to a stop because throughout the country—and this goes for Georgia and my State as well, and other textile-producing States—our mills are closing down, they are on short time, there is no overtime, there is no double time, and all of those looms are closing down. We are looking for jobs while they are looking for workers. All I can say is shame on us; shame on us.

Mr. TALMADGE. I commend my distinguished friend. I find myself in complete agreement with him. Unfortunately, some of our colleagues want to export more American jobs at a time of rising unemployment, and their only answer to unemployment is to put our workers on relief. I think the American people do not want to be on relief. I think they want to work and that they want jobs. I think the American people want to take home paychecks and earn the respect of their children, families, and neighbors. They do not want their jobs exported and then have to go on relief. That, unfortunately, is the answer some of our colleagues seem to have.

THE ISSUE IS JOBS

That is the issue. The issue is whether there are going to be jobs; whether there

are going to be American or foreign jobs. Mr. President, 2.4 million jobs in the textile and garment industry alone are involved and those jobs are being destroyed at the rate of 100,000 a year. The rate is accelerating, not decreasing.

I hope the Senate joins the President who has requested us to take action in this regard and I hope Senators will vote as they did in 1968 and as they did in 1969 by an overwhelming majority to try to protect the rights of American workers.

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

Mr. TALMADGE. I yield.

Mr. HANSEN. Mr. President, I compliment the distinguished Senator from Georgia as well as the distinguished Senator from Rhode Island for the observations they have made.

It seems strange indeed that this group should be pushing efforts that are bound to export jobs from America, and at the same time we are faced with the agonizing responsibility of trying to make work in this country, to try to expand opportunities for employment, to try to train people, to try to provide relief from the injury that is sustained by virtue of the imports that come into this country. Yet that is what we are doing, and some of the most ardent advocates of a completely unfettered trade policy are in the forefront saying we have to put more and more money into retraining programs to take care of those people whose jobs are displaced by foreign workers, and by companies employing foreign workers sending goods into the United States. Is that correct?

Mr. TALMADGE. The Senator is correct. We are training people for nonexistent jobs.

Mr. HANSEN. Is it not a fact that the textile industry is the best marketplace for the relatively unskilled worker to find a job?

Mr. TALMADGE. The Senator is entirely correct. An overwhelming majority of people who work in the textile industry find themselves with a limited education, as a rule, and many of them are of a minority race. When their jobs are destroyed, it is difficult for them to find other jobs.

THE CLOSING OF A MILL

Yesterday I recited to the Senate, and there is in the RECORD, reference to a mill that closed in Aragon, Ga. Aragon is a little municipality of 1,200 people where 500 people were suddenly thrown out of work. The Senator can imagine what that did to that little community. Many of them still have been unable to find jobs. Many of them now have to drive 150 to 200 miles a day in order to work. Some of them did not have automobiles and they are unemployed.

This is the problem confronting us in many parts of the country.

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

Mr. TALMADGE. I yield.

Mr. PASTORE. Does the Senator realize there are some people in the State Department who think these displaced workers maybe should go to Japan to get a job? I would not put it past them down there in the State Department to believe that.

Mr. TALMADGE. The Senator and I have worked from time immemorial, as he knows, with representatives of the State Department to try to get some semblance of order out of our trade policies. As the Senator has stated and as I have stated on many, many occasions, what the U.S. State Department needs more than anything else is an American desk.

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

Mr. TALMADGE. I yield.

Mr. PASTORE. I am glad to see the Senator from West Virginia here. We provide millions and millions of dollars for Appalachia to help people there find work, people who are suffering today because of the economic situation. Do Senators realize that much of our textile industry was located in Appalachia? We are trying to put people to work, not on relief, to give them jobs. That is what this amendment does. If anyone asks me what this amendment stands for, it stands for American jobs, pure and simple, nothing more and nothing less. All we are trying to do is preserve what we have, because there is nothing we can do about those jobs that are lost, and how regrettable that is.

Mr. TALMADGE. The Senator is entirely correct.

I yield now to the Senator from Wyoming.

Mr. HANSEN. When we are groping with the situation that confronts us, as we contemplate changes in the welfare program, trying to find what we can do, how we can best train and educate people in order that they will some time in the future possess talents to give them something to hand out so they can find jobs and can be gainfully employed and can get off the relief rolls and into the private sector of the economy and thereby support themselves and their families, does it not make good sense that the first step we should take would be to protect the jobs we now have?

Mr. TALMADGE. I agree implicitly.

Mr. HANSEN. Before we start training people in redevelopment, manpower training, and other programs which we have, which oftentimes have trained people for jobs that do not exist, it seems abundantly clear to me that the first step any person would want to take would be to protect the jobs we already have, to protect the people already employed, so we do not add to the unemployment rolls.

I join with my distinguished colleagues in saying that is precisely what this bill intends to do. It does not impose any responsibility or obligation upon the President of the United States to do anything he does not want to do. Anything that would not be in the best interests of this country, he will not be forced to do under the trade amendment to the social security bill now before us.

Mr. TALMADGE. It does not require the President to do one solitary thing. Nothing is mandatory. It does give him tools to work with so we can get voluntary quotas to protect American jobs. The President of the United States says he wants those tools, and I want to give him those tools.

Mr. HANSEN. I would suggest to my good friend from Georgia that already there has been some discernible change in attitude of some of our foreign friends as they contemplate the results that will obtain if this legislation is passed. They are practical politicians, just as most of the Members of this body are, and they understand full well that if they were voluntarily to enter into agreements with the United States that would result in a restricted market for the products that come from Japan, or wherever they come from, this would be a difficult program to sell to their people, but, confronted, as they now are, with the probability that the Congress of the United States, or at least that the Senate of the United States, might take such action as to protect jobs in this country, it gives them added reason to go before their respective legislative bodies and before their industrialists and say, "Might not it make good sense for us to enter voluntarily into agreements with the United States that might restrict somewhat the export of goods from our country to the United States in order to avoid even more restrictive laws that could result if we failed to do this?"

So I say the effort we have made up to this point has been helpful. It will not be completed, we will miss the point, if we do not go all the way and give the President of the United States and other appropriate officials those tools with which they can take what steps are indicated in order to protect American jobs.

I think it is clearly indicated now that we have far and away fewer trade restrictions insofar as the importation of goods into this country is concerned than does any other major nation of the world.

Mr. TALMADGE. We are the market and the dumping ground for the goods and products of the low-wage countries in the world, as the Senator knows. No other country in the world permits such complete freedom into its markets as does the United States.

Mr. HANSEN. I agree with my friend. I say further if the typical American worker loses his job, or if a poorer paying job comes about because of the increasing importation of goods into this country, or a part-time job in place of one he now has, this great American market, which everybody looks upon with envy, will not be quite so attractive, because the jobs our American workingmen have make this the great market it is. When they are out of work or when they are drawing relief checks or unemployment compensation, they will not be in the market bidding actively for goods, which now makes this country the place any other country would like to export its goods to.

Mr. TALMADGE. The Senator is entirely correct. I thank him for his contribution to this debate.

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

Mr. TALMADGE. I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I want to commend my distinguished friend from Georgia on two particular scores. First, as a longtime leader, the distinguished Senator from Georgia has been persistent in trying to protect jobs fundamental to the security of the United States of America.

John F. Kennedy, in 1961, after a series of hearings based primarily on the initial research, findings, and hearings of the Senator from Georgia and the Senator from Rhode Island, found that the security was jeopardized by the exportation of textile jobs. We had lost some 400,000 jobs in the 10-year period between 1950 and 1960.

The Senator from Georgia continues to lead on this score and on President Kennedy's program, which he intended to be comprehensive, including cotton, woolens, and man-made fibers. The Senator has persisted and he has been an outstanding leader. Secondly, he has offered leadership as a farmer. There are so many farm Senators who have been given rumors that, somehow, this was going to ruin the farm economy. There is no more successful farmer in the U.S. Senate, in addition to being the outstanding leader he has been over the years in public life, than the Senator from Georgia (Mr. TALMADGE).

I think it should be emphasized that much of the opposition from farmers is coming from a segment of our economy which has been misled into sending telegrams or otherwise writing to Washington making objections on unfounded facts.

Soybeans is a specific example. Europe consumes 5.2 million tons yet they produce only 50,000 tons. Where are they going to get the additional 5.15 million tons of soybeans? In the Far East, they consume over 4 million tons, but produce only 1.2 million tons, and there is no other market. So the critics try to allude to the ruination of the agricultural economy when in fact the experience is otherwise.

I think the distinguished Senator from Louisiana pointed out earlier in the debate that Japanese articles could not be bought in Mexico, but where does Japan buy its cotton? Japan buys much of its cotton from Mexico, where Japan is disallowed from selling any of its cotton or textile apparel. That is the kind of argument we get.

I think it is highly significant that we are getting telegrams by leaders who themselves have received dairy quotas, meat quotas, cotton support, and all kinds of agricultural support prices, and on coffee and sugar, and that practice has been followed, and yet they come around hollering "Protectionism." And yet we want to try, in order to give impetus to the Nixon goal of exporting all the jobs and putting everybody on family assistance. Now, is that not a great, a mighty goal? We have gone from the Great Society to the Great Disaster, all in the name of protectionism.

Mr. HANSEN. Mr. President, will the Senator yield to me?

Mr. HOLLINGS. The Senator from Georgia has the floor.

Mr. TALMADGE. I yield to the Senator from Wyoming for the purpose of engaging in a colloquy with the Senator from South Carolina.

Mr. HANSEN. Mr. President, I appreciate the Senator's courtesy.

Let me say that what the distinguished Senator from South Carolina says is absolutely true; but in order to keep this completely bipartisan, let me say that the Nixon policy, as enunciated by the State Department, has not changed one bit from what it was earlier. I regret that that is the case. It is just the same old idea the State Department has always had: To heck with everyone else, we will do it so as to further the aims of the State Department, and if it hurts anyone else, it does not matter.

Mr. HOLLINGS. The distinguished Senator from Wyoming has put his finger exactly on the concern in the U.S. Senate. For the past decade, geopolitically, there has been the United States of America involving itself with Berlin walls, Greek policies, they went into the Middle East, they went into Vietnam, they went into Cambodia, they went into Korea and everywhere else, trying to protect freedom, all of which we have supported. On the other hand, this other crowd is not going the way of Pearl Harbor, with a direct military attack, but economically they are beating the socks off of us. I do not say that in the context of bitterness, I say it in the context of saying that they know what they are doing, and you have to respect them for it.

What they are doing is established governmental policy, with the Minister of Trade being the No. 1 man. He is top dog. He is brilliant; he knows what he is doing, and the government does not take a step that they do not check through the Ministry of Trade.

We, on the contrary, have the Secretary of State, who is sidetracked, and get another fellow in the White House to do the job, and in the Pentagon, and the White House itself. When they ask about the Secretary of Commerce, they do not know who he is, or if they do, the first question they ask the poor gentleman is, "When are you going to resign?"

Then, when they get to the nitty-gritty, they took our distinguished friend, whom I have had the greatest respect for, Secretary Stans, and sent him on no less than 38 trips back and forth to Tokyo, but when they got really down to it, they got the Republicans' Bobby Baker, Peter Flanagan—remember him? Remember the *"Sansanea,"* and the *"Marracuda,"* that boat deal? They have Mr. Flanagan now at the White House handling the problem. That is like delivering lettuce by way of a rabbit. That is the kind of trade policy we have.

The distinguished Senator from Alabama, who is so familiar with banking affairs, knows that is how France is dealing with us. That is how the European Economic Community is dealing with us. They say we will start a trade war; but what we are trying to do with this bill, I say to the distinguished Senator from Georgia, is stop a trade war, and just put a little chock in the wheel and to fulfill President Kennedy's program.

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

Mr. HOLLINGS. I yield.

Mr. TALMADGE. The Senator calls this President Kennedy's program. President Johnson also advocated it, and President Nixon advocates it; so we have had the last three Presidents of the United States urge protectionism, with thousands losing their jobs.

Mr. HOLLINGS. And that figure is now 11,000 in South Carolina. Georgia was 9,000 in October.

But what do we do? We find this national corporate group, ECAT—Emergency Committee on American Trade. Do you know who the head of that is? President Nixon's client, Donald Kendall, of Pepsi-Cola. He heads up the whole shebang.

Is anyone interested in importing water, all around the world? There is no problem involved in importing water, I say to the Senator from Louisiana. All they are interested in is expanded markets, and pleasing the particular governments and people where they sell their products. That is good business. I do not fault them for that.

But we at least ought to have commonsense enough, in these United States of America, to recognize it, and understand, when they are buying these ads in the New York Times, the Wall Street Journal, and the Washington Post, who is paying for them, and where the pressure is in this U.S. Senate, and the constant caterwauling and cartooning of protectionism. I wish those Senators who really stand for labor would get with labor on this score—would really get with labor, and I mean the workingman, because he needs a fair chance to compete. When we first started 10 years ago, they said we were noncompetitive. We have the money in research and we have equaled them on design and everything else. But how in heaven's name are you going to compete, not just at the salaried level, when they take their finance and loans through the government when they manufacture under conditions that would be criminal, on safety measures and on health measures in the United States, when they do not have provision for social security and pensions, unemployment compensation, wages and hours. They do have it to a degree, but not nearly what we have in the United States, which we put into the workingman's pay envelope. How can we compete with it?

We do not want to compete with that; and when we say that, they say we are protectionists.

I would be glad for my distinguished friend, the Senator from Georgia, to continue. I did not wish to interrupt the seriatum of what he was presenting. We can get into consumers again, and the actual price of cotton textiles. But is it not significant that the very thing, they said, would be so terrible is what 32 countries have already agreed to on the matter of cotton, a long-term arrangement?

This is the thing, they say, that is going to start a trade war. This is the thing, they say, that will ruin the country. But this is the thing that President

Kennedy called for, in behalf of the United States.

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

Mr. HOLLINGS. I yield.

Mr. TALMADGE. The Senator made reference to a possible trade war. It has not been pointed out that Japan has quotas on 98 separate articles. They have the greatest degree of protectionism of any country on the face of the earth. And it has not been pointed out that the Europeans take only 5 percent of Japanese textile exports, while we take 50 percent. Yet they have a greater population in Western Europe than we have. They have less unemployment than we have. They have greater gold reserves than we have. And yet we hear the talk of trade wars from Japan and Europe—both of those areas that are protecting their own jobs and asking us to export ours.

Let me say in conclusion that I want to thank the distinguished Senator from South Carolina for the generosity of his remarks. I pointed out earlier, before he came on the Senate floor, that this body, just 2 years ago, by a vote of 55 to 31, passed the Hollings bill to protect the jobs of the American men and women working in textiles and in the garment industry. At that time, the House of Representatives would not accept the amendment in conference.

We passed another bill in 1969, this time 65 to 30. The House would not accept that bill in conference.

But this time the House of Representatives has sent us a bill. The Senate Finance Committee agreed with them by an overwhelming majority, and I hope the Senate will take the same action that it did on the Cotton bill and on the Hollings bill, and let us go back and negotiate again with our conferees from the House of Representatives, because I believe this time, after sending us a bill of their own, they will accept one of our bills.

I thank the distinguished Senator from South Carolina, and I yield the floor.

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield to me briefly?

Mr. HOLLINGS. I yield to the Senator from Alabama.

Mr. SPARKMAN. I have enjoyed the remarks of the Senator from South Carolina and those of the Senator from Georgia. Reference has been made to a trade war, and we have heard statements from time to time about getting even with us, retaliation, discrimination, and so forth.

I like to think sometimes on this subject as to where retaliation starts. When does it start?

I believe the Senator was with me in Brussels—I am not sure whether he was—when we met with the officials of the Common Market, had luncheon with them, and we asked many questions about the situation. We asked particularly about the border taxes, the variable levies that were made on products from our country. I recall quite well their answer.

They more or less admitted that they were not fair toward the United States, but they said that it was necessary in order to enable those countries to adjust their internal affairs so that they could keep going. But when we offered to do something in the way of levying a tariff—this does not levy a tariff; it simply provides, as I understand the provisions of the bill, for voluntary quotas.

Mr. HOLLINGS. Voluntary quotas, adjustable by the President.

Mr. SPARKMAN. I believe the Senator commented on the fact that for many years we had voluntary quotas on the part of Japan on cotton textiles.

Mr. HOLLINGS. We have it today.

Mr. SPARKMAN. Have it today. And it is working very well.

Mr. HOLLINGS. They have extended it three times.

Mr. SPARKMAN. I recall many years ago when Mr. Iketa was the Prime Minister of Japan. I talked with him in Japan. Mr. Fujiyama was the foreign minister, and I talked with him. The first question both of them put to me was with reference to trade relations, and so forth. I told them then that we appreciated Japan's trade with us, and Japan is our second best customer. I believe that Canada is first. Japan is our best customer on agricultural products. Japan buys more cotton from us than any other country.

I told them then:

> We realize that trade is a two-way proposition. We are willing to take a fair amount of your manufactured products. We have to, in order to maintain the trade that we have with you.

This was back in the days when they were dumping. Does the Senator recall the situation with respect to women's blouses?

Mr. HOLLINGS. Yes, sir.

Mr. SPARKMAN. I said:

> Let us trade in an orderly way. Let us know what we need to take of your products each year, and let it come in in an orderly manner, in quantities that we know ahead of time, and don't send us shoddy stuff. We will trade with you.

I am glad to say that the cotton quota system has worked fairly well over the years—very well, I think we can say.

The Senator from Georgia mentioned the quotas that Japan invokes on imports to her country. I believe the Senator from South Carolina was with me and others when we had a conference with Premier Sato.

Mr. HOLLINGS. That is right.

Mr. SPARKMAN. At that time, if the Senator recalls, we discussed various phases of trade. One thing that someone brought up was the matter of automobiles. In driving through this country from time to time, I see lots full of Toyotas. How many American-made automobiles does one see in Japan?

I cannot speak for the certainty of this, but someone who was with us there said:

> You couldn't get an American-made automobile on sale in Japan.

Mr. HOLLINGS. They have automobile restrictions.

Mr. SPARKMAN. Yet, when we try to protect our markets, not with a tariff but with orderly trade—and that is what quotas amount to—they say that we are ruining the trade of the world, that we are disturbing their markets, and that we are breaking down trade relations with various nations.

I say that when you have an orderly trade, you have a good trade relationship with a nation. I wish Japan would agree to voluntary quotas on noncotton textiles. That is what I believe is included in this bill.

Mr. HOLLINGS. That is right—man-made fibers and woolen goods.

Mr. SPARKMAN. The Senator and I are from the cotton area, cotton growing and cotton manufacturing, and we are satisfied, as I understand it, with the cotton textile situation on a voluntary basis with Japan.

I have been hoping against hope that Japan would come in and agree to a voluntary quota program. Discussion has been going on now for a long time, and I have been hoping that they would come in and agree to a quota system by which we could abide and that the European nations would withdraw the special favors they have for their own country. It amounts, in effect, to a tariff against our products.

The Senator knows that I joined with him in his bill, and I am one of the cosponsors of the present bill that has been proposed. I believe in freer trade. I like to see good trade between the nations of the world. I think it is one of the best ways to maintain good relations and to build a firm basis for peace.

I am supporting this measure because I believe the voluntary quotas set up a regular schedule by which they come in. Does the Senator agree?

Mr. HOLLINGS. I agree, absolutely.

I thank the distinguished senior Senator from Alabama for the leadership he has given over the years.

Mr. President, I want to mention two things, and I will yield to the Senator from New Hampshire, who has the case on the shoe situation.

The Senator mentioned the Toyota. When they price it in Japan, they take the research and development costs, the sales costs, the advertising costs, the overhead costs, the in-plant costs, and everything else, and they put that on the domestic product and sell the Toyota in the domestic market for approximately $2,800. They take the same automobile, send it all the way around the world, and sell it for $1,800, almost a thousand dollars less.

Their pricing system is geared to take over economically the world markets. They know what we are doing, and that is the battle we are in.

Specifically, let me just emphasize the fact that in the 40 years since Smoot-Hawley days—all the free traders want to holler "Smoot-Hawley"—we had a different policy of technology, and we frankly did not concern ourselves with the conditions under which they worked or anything they produced, because with mass production and the monopoly we

had, we could compete with them anywhere else in the world.

Today, the United States of America has a monopoly and is leading in technology in two schools—computers and aircraft, and we are about to lose on aircraft.

We cannot compete when they can produce and have the technology in textiles and watches and electronics, or any other thing. They have the technology and they can do it just as well as we can but they have a different standard of living.

Some commonsense provisions have to be written into the law, flexible as it is, to give the President the capacity to deal with this. In short, to protect.

Finally, when the President takes his oath of office to preserve, protect, and defend he should be permitted to do so. They are getting around to where you cannot protect troops, you cannot protect the economy; it is just un-American to protect. If that is the way they feel, I wish some of those folks would put in an amendment to strike the word from the oath of office of the Chief Executive of this Nation.

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

Mr. HOLLINGS. I yield the floor to the Senator from Alabama.

Mr. SPARKMAN. I know something about the shoe industry, too. One of the very large shoe plants is in my hometown. I recall going to the plant a year ago and going through it, and they showed me at that time the amount of shoes that were being imported. I recall that they said this to me:

> We are not alarmed at the present level, but it is this climbing level that we are disturbed about.

I think we ought to be able to invoke quotas on shoes. There are other products, too. We have ceramics in my State, and I know something about that. I know something about steel and things of that kind.

I just do not like the charge made against us that we are tearing down trade relations when they are trying to impose additional levies against our products.

I would like just to say, if I may, about a year ago or a little more my wife and I were in Copenhagen. We went around to a store which was selling very fine products. My wife bought some crystal or silver—I do not remember which—and when the clerk packaged it up she said, "Would you like for me to ship this to you?" My wife said, "No. I will take it." The clerk said, "Well if I ship it, we can deduct 20 percent. That just about would cover the duty you would have to pay over there." In other words, they could give us that advantage in order to take their product.

I do not know that we compete very much with them in those two fields of crystal and silver, but I remember a few years ago, the Senator from Arkansas and I inserted in the foreign aid bill a provision to make it possible for us to export chickens from his State and mine. We are great poultry producers. In fact, poultry has become one of the largest agricultural commodities, in dollar value, in my State. We made an arrangement whereby we sold a great deal of poultry in West Germany.

Finally they invoked some kind of a special levy on that and cut the market down tremendously that we were sending into West Germany.

In another instance, I met with officials of the Common Market several times on this very subject, and they promised us that in the future they would take care of these things. But our people are getting very much concerned, and feel that something should be done to counteract—not to impose something on them that would be destructive of trade—but something to counteract the things that they have done to prevent our trade coming in, which was the incentive that we had.

I also talked to the head of a large chemical plant, about a year ago or a little more, and he told me that his company was building a very large plant—I believe he told me it would be the largest one in West Germany. He said, "I do not like to do that, but I cannot afford not to do it." He told me how much of a grant the German Government would make to him in order to build his plant there for his company, and how they would make money available at a very low rate of interest, and on a long-term basis, to make it possible to put that plant there; and then, in the event he made products that he wanted to export, they would give him a great export advantage which we cannot match in this country.

I want to say this: The Senator knows that on yesterday we reported a bill from the Committee on Banking and Currency that I hope will come up tomorrow, which will give the Export-Import Bank more flexibility in aiding our own exports. I hope that will be passed by the Senate tomorrow and that we may have it completed before this Congress adjourns.

I just wanted to mention these things because there are hundreds more incidents that could be illustrated to show the scope of this situation.

We are not asking for anything unfair. We are asking only for a fair break.

I thank the Senator.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Alabama.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, I rise to support the amendment which has been offered by the Senator from Delaware and which is being vigorously fought for by the good Senator from Georgia (Mr. TALMADGE). I want to commend the many Senators who have spoken this evening. I should like to be associated with the remarks of the Senator from Rhode Island (Mr. PASTORE), the Senator from South Carolina (Mr. HOLLINGS), my distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. SPARKMAN), and the Senator from Wyoming (Mr. HANSEN).

I appreciate very much their thoughts and comments and agree wholeheartedly with them.

Now, Mr. President, I want to be brief.

There can be no denial that the American textile and shoe industry had been severely injured by the increasing influx of foreign-made goods. As foreign firms gain a greater and greater hold on this segment of our economy, more and more American workers are losing their livelihood as their employer's businesses fail.

The plight of the footwear industry, for example, has been talked about, but not acted upon. The statistics which tell the story of the rise of imports and the decline of domestic production are now familiar. In 1969 foreign-made footwear took over 25 percent of our domestic market. Compared with 1968 imports jumped 20 million pairs last year while domestic production declined 52.3 million pairs. Some of these pairs could have and would have been made in some of the 59 shoe plants which were closed in the United States in 1969.

How long must we wait? The time has come to put a reasonable limitation on these imports. I feel that this amendment does just that—it allows competition from abroad, but does not allow it to predominate, and this amendment would reduce shoe imports from over 200 million pairs a year to approximately 150 million pairs a year.

In 1968, the shoe and leather industry was the single largest manufacturing employer in New Hampshire, employing 20,536 people. By 1969, it was no longer the largest employer and employment had dropped to 18,466. During those 2 years almost 10 percent of the shoe factories in my State had closed. By July of this year, shoe and leather employment had dropped to 16,400.

In almost every single case, the principal reason for the loss of employment and the shutting down of plants has been the competition from imported shoes.

I believe in free competition, but when that competition results in the shutting down of factories across our Nation, then I think that the Federal Government, whose foreign policies have encouraged that competition, has an obligation to step in and help the workers and families who have been driven to the poorhouse.

The situation is desperate, and so are the shoe workers of New Hampshire. I hope that the Senate can act favorably to meet the needs of these men and their families.

These two industries, which have played such an integral role in our national life, have been injured by this foreign thrust. If we do not heal this wound—and do so immediately with the passage of this legislation—the wound will become fatal, these two industries may well disappear from the American scene, and all America will pay the price.

The amendment would place restrictions on the continued importation of leather footwear, textile articles made of cotton, wool and manmade fibers, as well as articles made of blends of these and other textile fibers.

By using the years 1967–68 as the base period for determining 1970 imports, the bill would reduce shoe imports from more than 200 million pairs per year to approximately 150 million.

Manmade fiber imports would be cut in half and give protection to the domestic cotton and wool industries. In future

years, as domestic consumption of shoes and textiles increases, the American producers of these products would continue to be protected. Foreign imports would continue to be limited to a proportional share of the market.

A genuine balance can only be struck by legislation, legislation such as this which reaches all nations and gives no one nation a competitive advantage over another.

The basic reason for trade imbalance is the wide range differential between our domestic industries and their foreign competitors. May I point out that the average American shoe worker makes $2.78 an hour while his Italian counterpart gets $1.06 and his Spanish counterpart only 59 cents.

It is no wonder that these nations can flood our markets with inexpensive goods. In 1969, imported footwear accounted for more than 25 percent of our domestic market. Imports jumped 20 million pair from 1968, while domestic production fell by 52.3 million pairs.

Imports forced the closing of 59 American shoe plants last year; 76,500 job opportunities were lost.

The economic factors are obvious. Our balance-of-payments deficit increases; our unemployment rolls increase; our taxes go up; in short, the whole country suffers.

The number of shoes imported is fast approaching 50 percent of the domestic need for shoes. It is predicted that unless we do something about shoe imports they will take more than 50 percent of the market by 1975.

This means jobs are taken from American workers.

This means businesses will fail.

This means our economy will suffer.

It is expected that more than 85,000 job opportunities for American workers will be lost to shoe imports this year.

By the year 1975 it is expected that more than 175,000 job opportunities will be lost unless we do something now.

I do not believe we can afford this to continue in our Nation which is already so sorely beset by unemployment.

I know that many argue that cutting back on shoe imports will increase the cost of shoes to the consumer.

Mr. President, I have just had made available to me the results of a study which indicates that if limits had been placed on shoe imports in 1969 such as we propose in this amendment the retail prices of shoes would have increased a matter of only six-tenths of 1 percent since that time.

I do not want to see prices go up in a period of inflation. But, if you compare such a price rise with increases taking place for so many other products I think it is a small price to pay.

Tomorrow I will have more to say about the claim by opponents of this amendment that it will result in trade retaliation.

So tomorrow, hopefully, when we reach a vote on the amendment, the Senate will agree to what has been said here today and pass the amendment.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with a limitation of 3 minutes thereon.

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

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT ON EXTENT AND DISPOSITION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A letter from the Secretary of State, transmitting, pursuant to law, a report on the extent and disposition of U.S. contributions to international organizations, for the fiscal year 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.J. Res. 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the nUited States in the South Pacific Commission (Rept. No. 91–1477).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," Ninety-first Congress, second session (Rept. No. 91–1478); and

H. Con. Res. 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document (Rept. No. 91–1479).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Con. Res. 85. Concurrent resolution authorizing the printing as a Senate document of a compilation of the hearings on U.S. security agreements and commitments abroad (Rept. No. 91–1480).

By Mr. DOLE (for Mr. JORDAN of North Carolina), from the Committee on Public Works, without amendment:

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis (Rept. No. 91–1481).

By Mr. BAKER (for Mr. MAGNUSON), from the Committee on Commerce, with an amendment:

H.R. 15188. An act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft (Rept. No. 91–1482).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 4982. An act for the relief of Thomas J. Beck (Rept. No. 91–1483);

H.R. 6100. An act for the relief of Herschel Smith, publisher of the Lindsay News, of Lindsay, Okla. (Rept. No. 91–1484);

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis (Rept. No. 91–1485);

H.R. 13182. An act for the relief of Frank E. Dart (Rept. No. 91–1486);

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force (Rept. No. 91–1487);

H.R. 13806. An act for the relief of Irwin Katz (Rept. No. 91–1488);

H.R. 15270. An act for the relief of Thaddeus J. Pawlak (Rept. No. 91–1489);

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr. (Rept. No. 91–1490);

H.R. 16502. An act for the relief of Gary W. Stewart (Rept. No. 91–1491); and

H.R. 16965. An act for the relief of Richard N. Stanford (Rept. No. 91–1492).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2956. A bill to provide private relief for Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy, retired, continued on active duty in a retired status after June 30, 1967 (Rept. No. 91–1495);

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

S. Res. 486. Resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam (Rept. No. 91–1493).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3908. A bill for the relief of the widow and children of Thomas Pillifant (Rept. No. 91–1494).

EXECUTIVE REPORTS OF COMMITTEES

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

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

Robert F. Buck, of Washington, Clifford H. N. Yee, of Hawaii, Allie C. Felder, Jr., of the District of Columbia, Daniel Parker, of Wisconsin, Gustav M. Hauser, of New York, and James A. Suffridge, of Virginia, to be members of the Board of Directors of the Overseas Private Investment Corporation;

Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation;

Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation; and

Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Colombia.

By Mr. GRIFFIN, from the Committee on the Judiciary:

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan.

By Mr. EASTLAND, from the Committee on the Judiciary:

William H. Webster, of Missouri, to be a U.S. district judge for the Eastern District of Missouri;

H. Kenenth Wangelin, of Missouri, to be a U.S. district judge for the Eastern and Western Districts of Missouri; and

Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. DOLE:

S. 4589. A bill for the relief of Garret John Allsop; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4590. A bill for the relief of Teresa Blaszczyk; to the Committee on the Judiciary.

By Mr. TYDINGS (for himself, Mr. ALLEN, Mr. EASTLAND, Mr. ERVIN, Mr. FONG, Mr. GRAVEL, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. MATHIAS, and Mr. THURMOND):

S. 4591. A bill to authorize a program to develop and demonstrate low cost means of preventing shoreline erosion; to the Committee on Public Works.

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

By Mr. WILLIAMS of Delaware:

S.J. Res. 250. Joint resolution proposing an amendment to the Constitution to provide maximum age limits for certain officers of the Government; to the Committee on the Judiciary.

(The remarks of Mr. WILLIAMS of Delaware when he introduced the joint resolution appear below under the appropriate heading.)

S. 4591—INTRODUCTION OF A BILL TO ESTABLISH THE SHORELINE EROSION CONTROL DEMONSTRATION ACT OF 1970

Mr. TYDINGS. Mr. President, I introduce today a bill authorizing the Corps of Engineers to develop a 5-year program for the demonstration of low-cost means to prevent and combat shoreline erosion.

Erosion is the loss of land by wind and water. It is a natural process that occurs wherever the sea meets the shore.

Along the coasts a continuing battle is taking place. It is a conflict between the land at water's edge and the sea which strikes the shore. From wave action, littoral currents, and winds, the coastline is subjected to constant pounding. Sometimes the pounding is severe as when a storm occurs. More often the pounding is a steady, continuous hitting away at the land. In the long run, this is as destructive as the storm damage. In both cases, the bombardment of the coast is intensified by the chemical weathering of coastal materials. The inevitable result is a change in the contour of the shoreline.

Yet as nature erodes the coast, it also replenishes it. Offshore currents, known as littoral currents, transport sand and eroded materials along a course that tends to parallel the shoreline. Land that is removed from one part of the coast is carried along to another. This littoral drift, as it is sometimes called, often results in the contour of the shore remaining approximately the same, although considerable movement of materials is in fact taking place. Land is eroded away but replaced from another part of the coast. While the coastline remains essentially stable, the shore is actually in motion.

In many cases, however, the two flows are unequal. Either accretion or depletion of the shore results. Coastal or shoreline erosion is a net removal of land and littoral materials.

Besides resulting in the obvious loss of land, and shoreline is valuable land indeed, coastal erosion causes beaches to shift and clogs navigable channels. Recreation and commerce are thus affected. Erosion also increases sediment loads in offshore waters with resultant harm to marine life. Erosion thus has ecological implications as well.

An illustration of the damage which shoreline erosion causes can be found on page 23 of the 1970 annual report of the National Council on Marine Resources and Engineering Development.

Coastal erosion is clearly a problem. It is perhaps not a "crisis," though overuse of this word now makes it almost devoid of meaning. Nor does our Nation's fate hinge on combating coastal erosion. Yet damage to a natural resource, and our shoreline is an impressive natural resource, is occurring. Land is being lost. Channels are being clogged. Marine life is being harmed. The erosion of our shoreline does merit our attention.

This erosion, in the words of the then Director of Civil Works for the Corps of Engineers, Brig. Gen. H. G. Woodbury, Jr., in 1967 testimony before a Public Works Subcommittee, "is becoming increasingly significant as a national problem." The 1969 annual report of the Marine Science Council tells us that shoreline erosion, "a common and often severe degradation of the coasts" results in "vast areas of valuable land—essentially lost." The report of the National Commission on Marine Science, Engineering and Development, "Our Nation and the Sea," terms coastal erosion "a serious national problem."

It is certainly a problem in Maryland. In Calvert County, along the western shore of the Chesapeake Bay, erosion has worn away the high cliffs with considerable loss of land. The low, sandy areas such as Point Lookout, the clay banks of the Eastern Shore, and our low marshlands all suffer from shoreline erosion. Each year Maryland loses some 300 acres of land to coastal erosion.

Across the continent the State of Oregon faces considerable erosion of its shoreline. Tillamook Bay is the site of particularly damaging coastal erosion. The northern Oregon coast suffers greatly from such erosion. In summing up a 1968 lecture to a National Association of Conservation Districts meeting, Robert C. Baum, administrative officer of the Oregon State Soil and Water Conservation Committee, concluded:

> We find that Oregon does have coastal erosion and other related shore erosion problems.

Throughout the Nation our coastal States have significant shoreline erosion problems. Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Wisconsin, and Hawaii join Maryland and Oregon in having their coasts eroded. Shoreline erosion is clearly a national problem.

As the above list of States indicates, erosion is not limited to our ocean coasts. It is a problem along the Great Lakes as well. Surprisingly, shoreline erosion is a major problem on the lakes. The Wall Street Journal for December 7, 1969, carried a story on the rising waters of the Great Lakes and the resultant damage to homes, highways, and beaches. The article says:

> But the biggest problem is erosion, since most of the shoreline around the Great Lakes consists of sandy beaches and soft clay bluffs. As lake waters rise, they cover offshore sand bars that normally impede waves and thereby offer some protection to the shore. When storms come up, as they do with particular ferocity in the fall and early winter, the high water waves now crash directly ashore, gnawing the ground from under whatever is built there.

Precise figures for the monetary value of the national losses due to shoreline erosion are not available. Yet between $30 and $50 million per year is a reliable estimate. The cost of coastal erosion is substantial.

One aspect of the erosion problem deserves particular attention. This is the inability of the individual coastal landowner to obtain satisfactory information on ways to combat shoreline erosion. Such information is limited because our knowledge of coastal erosion is limited. We simply do not know as much about this problem as we should.

While the Coastal Engineering Research Center of the Corps of Engineers, located here in Washington, is increasing our understanding of erosion, the Center tends to emphasize ocean-front engineering and hurricane protection. Less attention is paid to inland or sheltered waters and the ways to combat erosion resulting from the steady, less spectacular impact of water and wind upon the shore.

Yet this is precisely where many people own shoreline property. It is where considerable erosion takes place. It is where relatively low cost methods of coping with coastal erosion may be possible. Devices to control erosion on land directly facing the ocean and thus subject to bearing the brunt of severe storms are costly, usually well beyond the reach of individual landowners. In addition, they are often beyond the technical ability of the average engineer. Coastal hydraulics is a complex subject. Coastal engineering requires considerable expertise. This is true for inland waters as well as unsheltered seas. Yet technical assistance is usually available for ocean shoreline erosion problems. CERC and the Corps of Engineers often can provide help. But they cannot provide help for erosion problems along inland waters.

Moreover, costs of sheltered water erosion projects must be kept down. Individual landowners, or even groups of them, cannot afford massive concrete seawalls and steel jetties. These expensive devices are probably needed when the land to be protected directly faces open water. They are usually not needed when sheltered coastal waters are considered. They are also out of reach when financial limitations are a factor.

What is needed are low cost erosion control devices effective on inland and sheltered coasts.

The lack of technical expertise and the requirement for low cost devices bring unfortunate results. Too often the coastal landowner with an erosion problem cannot obtain competent technical assistance and/or cannot afford the re-

medial action needed. Too often technical and financial restrictions force the coastal land owner to ill advised, ineffective actions. He dumps fill onto the eroding shore, he builds a bulkhead, constructs a rock jetty or maybe tosses some junked autos onto the shore. Anything to stop the erosion. But these ad hoc measures do not work and the erosion continues.

In his testimony, General Woodbury commented on the wasted efforts to control shoreline erosion:

> Each year thousands of acres are lost to the sea, an annual loss of a national asset of substantial value. And each year private citizens invest millions of dollars in an effort to protect their property from the ravages of erosion and too much of this investment represents a net economic loss to the country for the measures taken are too often ineffective.

Along Maryland's Chesapeake shore, on Long Island, in tidewater Virginia, and all along our coasts, people are losing shoreline and money in futile efforts to combat erosion. The Wall Street Journal article I mentioned before tells of numerous efforts that failed to halt erosion along the Great Lakes. One fellow in Michigan spent $8,500 for a structural steel-seawall that just did not work.

A case study of the Chesapeake Bay, prepared in 1968 by Trident Engineering Associates for the Marine Science Council, also mentioned that—

> Improper and, in many instances, inadequate preventive measures have caused increased and unnecessary destruction to property.

Mr. President, all of this concerns us because the shoreline is a national asset. Our coasts are a bountiful resource—for recreation, commerce and trade, wildlife, industrial development and the like.

Today, Americans are aware of the abuses suffered by our natural resources. Air and water pollution receive considerable public attention. Less attention is given to an equally important problem, the deterioration of our shoreline. John Clark, president of the American Littoral Society has said:

> The shore is in the same danger now that the forests were when Teddy Roosevelt took office.

A key natural resource has deteriorated. Coastal erosion is one of the reasons.

The problem will become more acute as our population grows. While erosion is a natural process, man often accelerates it. Additional people on the coastal lands means increased shoreline erosion. Already our 30 coastal States contain more than 75 percent of the Nation's population. More than 45 percent of our urban population lives in coastal counties. Erosion is likely to increase rather than decrease in the coming years. More land will be lost. More channels clogged. More marine life harmed. More people with a serious problem they cannot solve.

The effects of shoreline erosion will continue. The Trident study says:

> These effects are costly now, and will also influence the future development of the Bay's industrial, economic, and recreational expansion.

In other coastal waterways as well, erosion will effect the future pattern of resource allocation.

Coastal erosion along inland or sheltered waters is a problem. It is a serious one, and of national scope. It is also a problem that is largely ignored. Shoreline erosion is probably too fractured and quiet a problem to receive proper attention. It is a series of little problems rather than a crashing crisis. The cumulative effect of this erosion is indeed significant, but by and large overlooked.

I believe it is time for Congress to focus, if only briefly on coastal erosion.

The first step has already been taken. In 1968, Congress enacted my bill establishing the national shoreline study. The legislation, cosponsored by 26 Senators, directed the Corps of Engineers to survey and appraise the erosion of our Nation's shorelines. To be completed in 1971, the study will give us an idea of the extent to which our coasts are eroding and will recommend additional steps necessary to combat erosion.

One such step can be taken now, however.

The bill I introduce today logically follows upon the national shoreline study. It authorizes a 5-year program to develop and demonstrate low cost means to combat shoreline erosion. Its purpose is to gain experience and expertise in erosion control along inland or sheltered waters that will be useful to the coastal landowner. Its ultimate effect will be to slow down the erosion process and stop the costly and largely ineffective measures now being used to halt shoreline erosion.

The bill directs the Secretary of the Army to establish a national shoreline erosion control development and demonstration program. This program, limited to 5 years, shall consist of "planning, constructing, operating, evaluating, and demonstrating prototype shore line erosion control devices."

Special attention shall be given to vegetative means of combating shoreline erosion. Proper understanding and uses of soils and grasses may well provide a relatively inexpensive way to reduce coastal erosion. Engineering devices need not be the only approach to erosion control. For this reason the bill specifically states that the development and demonstration program shall be carried out with the cooperation of the Secretary of Agriculture.

The bill provides that erosion control demonstration projects be established on the lakes and gulf coasts, as well as the Atlantic and Pacific coasts. Special attention shall be given to inland and sheltered waters. And while projects may be located on private or public lands, no funds may be spent to acquire privately held shoreline. In addition, projects on private or non-Federal public lands require a non-Federal sponsor who will pay at least one-fourth of construction costs and assume operation and maintenance costs upon completion of the project.

The bill authorizes $6 million for a 5-year program. Considering the value of the land lost through erosion and the costs of the unsuccessful attempts to halt coastal erosion, the sum is a modest one. The money to be spent is a worthwhile investment.

Finally, the bill directs the Secretary of the Army to establish a 15-member Shoreline Erosion Advisory Panel. The Panel should provide the program with a point of view and assistance beyond the confines of the Corps of Engineers. A useful sounding board, the Panel will recommend criteria for the selection of development and demonstration sites, recommend different ways to reach agreements with non-Federal sponsors of projects, make periodic reviews of the program, and suggest means to disseminate information about the shoreline erosion control devices developed. The Panel shall expire 90 days after termination of the 5-year development and demonstration program.

I wish to emphasize that the cost of this program, $6 million, is modest relative to the expected benefits. And that it is a limited program, with clear cut objectives, and a specific termination date. It is not a small program that will run forever and ultimately cost billions of dollars.

While the Secretary of the Army and the Secretary of Agriculture obviously have not yet formally endorsed the measure, I am hopeful it will enjoy their support. The bill has been discussed with the Corps of Engineers and Soil Conservation Service and the draft as introduced represents some of their thinking as well as my own.

The need for this bill was suggested at the 1967 hearings on the national shoreline study. At these hearings I asked General Woodbury to comment on a pilot project to demonstrate low-cost erosion control devices. The general responded:

> We recognize the need for a better understanding of the processes of coastal erosion and the methods for control of erosion and protection of our shores.

General Woodbury went on to say that the public should be better informed of the erosion projects already in existence and that the corps intended to supplement a CERC report on erosion "by a special report giving a description of demonstration projects which are representative of the work and methods of coastal protection used in different regions."

This special report, however, was never prepared. I do not fault the corps or CERC for this, for they operate with limited funds and personnel. In any case, a mere recital of existing projects is inadequate, as these projects do not represent what I believe is needed: Low cost prototype erosion control projects along inland and sheltered coasts.

I feel strongly that the Corps of Engineers should now act and make the effort necessary to develop and demonstrate the needed erosion control techniques.

As the caption to the illustration of erosion in the 1970 Marine Science Council report states:

By investigating and determining suitable methods for protecting, restoring, and developing the shoreline against wave and current erosion, the recreational and esthetic features of our coasts can be preserved.

I would add that more importantly, valuable land could be saved, ecological harm avoided, and considerable dredging made unnecessary.

The potential return of the program authorized by this bill is quite substantial. Erosion is without doubt a problem. A development and demonstration program could do much to alleviate it.

The corps recognized this in a November 25, 1969, memorandum entitled "Feasibility of Pilot Projects To Demonstrate Shore Protection Methods" prepared at my requested the parameters of the problem, in part concluded:

It is feasible now to construct pilot projects to demonstrate shore protection techniques that are applicable to long stretches of shoreline and to short stretches of high value land. . . .

At the same time the memorandum also concluded that any pilot project should wait until the national shoreline study is finished and that such a project would not be "applicable to short stretches of low or average land." But the national shoreline study is to be completed next August while the mounting population pressures on our shorelines will in the future make low or average value coastal lands a contradiction in terms. Our shoreline is a finite resource, increasingly valuable and in need of protection.

It is also an integral part of the coastal zone, an area that is now the subject of considerable scientific and legislative discussion. The Senate Subcommittee on Oceanography hopefully this year will see its coastal zone management bill pass the Senate. And shoreline erosion, in the words of Dr. Edward Wenk, former executive secretary of the National Council on Marine Research and Engineering Development, "is a continuing threat to the uses of the land and the water of the coastal zone."

The program authorized by this bill does not embark the Corps of Engineers on a costly new venture. Nor does it place a function of local and State jurisdictions into the hands of the Federal Government. The corps already plays a well-defined role in shoreline erosion protection. The corps will pay the full cost of protecting federally owned shoreline, 70 percent for protecting non-Federal public property set aside as a park or conservation area, 50 percent for protecting other non-Federal publicly owned frontage, and up to 50 percent of the cost of protecting private property where the public benefits directly from the protection. The development and demonstration program complements this activity. It expands a role uniquely suited to the corps' existing capabilities and consistent with a responsibility of the Federal Government: research and development in coastal erosion. It requires the cooperation, and in some cases the participation, of State, local, and private groups. It is a limited program, that terminates in 5 years. And it authorizes a modest expenditure of public funds, $6 million over a period of 5 years. But most important, the program is directed toward learning about and protecting an irreplaceable natural resource, our eroding coastline.

Mr. President, I ask unanimous consent that the text of the bill I have introduced be printed in the RECORD, as well as the September 1969 Corps of Engineers general instructions for the national shoreline study.

Mr. President, I am pleased to have Senators ALLEN, EASTLAND, ERVIN, FONG, GRAVEL, HART, HATFIELD, HOLLINGS, INOUYE, MATHIAS, and THURMOND join me in cosponsoring this bill.

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

The bill (S. 4591) to authorize a program to develop and demonstrate low cost means of preventing shoreline erosion, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 4591

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Shoreline Erosion Control Demonstration Act of 1970."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that because of the importance and increasing interest in the coastal and estuaries zone of the United States, the deterioration of the shoreline within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

SHORELINE EROSION PROGRAM

SEC. 3. (a) The Secretary of the Army shall establish and conduct for a period of 5 fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(b) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with federal, state, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to Section 4.

(c) Demonstration projects established pursuant to this section shall emphasize the development of low cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, Gulf, and Pacific coasts and at not less than one site on the Great Lakes. Sites selected should to the extent possible, reflect a variety of geographical and climatic conditions.

(d) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-federal public lands, the demonstration projects shall be undertaken in cooperation with a non-federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

SHORELINE EROSION ADVISORY PANEL

SEC. 4. (a) No later than 120 days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint 15 members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, state and local agencies and private organizations, provided that such individuals shall not be regular full-time employees of the United States. The panel shall meet and organize within 90 days from the date of its establishment, and shall select a chairman from among its members. The panel shall then meet at least once each six months thereafter and shall expire 90 days after termination of the five-year program established pursuant to section 3.

(b) The panel shall—

(1) advise the Secretary of the Army generally in carrying out the provisions of this act.

(2) recommend criteria for the selection of development and demonstration sites.

(3) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-federal sponsors of project sites.

(4) make periodic reviews of the progress of the program pursuant to this Act.

(5) recommend means by which the knowledge obtained from the project may be made readily available to the public.

(6) perform such functions as the Secretary of Army may designate.

(c) Members of the Panel of the United States shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(d) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

PROGRAM PROGRESS REPORT

SEC. 5. The Secretary of the Army shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the Chairman of the Senate and House of Representatives Committees on Public Works. The fifth and final report shall be submitted 60 days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

APPROPRIATIONS

SEC. 6. There is authorized to be appropriated for the fiscal year ending June 30, 1972, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this Act. Sums appropriated pursuant to this section shall remain available until expended.

The general instructions, presented by Mr. TYDINGS, are as follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., September 2, 1969.

NATIONAL SHORELINE STUDY

GENERAL INSTRUCTIONS

1. *Purpose and scope.* These instructions provide direction for the appraisal, investigation and study of the Atlantic, Gulf, and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands, and the shorelines of the Great Lakes, including estuaries and bays thereof. They include background information, outline the nature of the reports and publications to be prepared, assign responsibilities, and establish limiting dates for the submission of reports. These instructions are applicable for Division Engineers responsible for Civil Works activities in the areas cited, the Director, Coastal Engineering Research Center, and others participating in the study.

2. *Authority.* The National Shoreline Study is authorized by Section 106, Public Law 90–483, approved 13 August 1968, which reads:

"SEC. 106. (a) The Chief of Engineers, Department of the Army, under the direction of the Secretary of the Army, shall make an appraisal, investigation and study, including a review of any previous relevant studies and reports, of the Atlantic, Gulf, and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands, and the shorelines of the Great Lakes, including estuaries and bays thereof, for the purpose of (1) determining areas along such coasts and shorelines where significant erosion occurs; (2) identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified; (3) describing generally the most suitable type of remedial action for those areas that have a serious erosion problem; (4) providing preliminary cost estimates for such remedial action; (5) recommending priorities among the serious problem areas for action to stop erosion; (6) providing State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline erosion programs; (7) developing recommended guidelines for land use regulation in coastal areas taking into consideration all relevant factors; and (8) identifying coastal areas where title uncertainty exists. The Secretary of the Army shall submit to the Congress as soon as practicable, but not later than three years after the date of enactment of this Act, the results of such appraisal investigation and study, together with his recommendations. The views of concerned local, State, and Federal authorities and interests will be taken into account in making such appraisal investigation and study.

(b) There are authorized to be appropriated such amounts, not to exceed $1,000,000, as may be necessary to carry out the provisions of this section.

3. *General views and constraints.* This appraisal, investigation and study of the national shorelines will provide an overall comprehensive assessment of shore erosion problems from the National viewpoint. It will recognize the increasing importance of shore erosion as population grows and pressures increase for use of coastal lands. It will address all shores and will not be confined to publicly used shores. The authorizing legislation and subsequent budgetary planning impose the following constraints on the study.

a. The report of the Secretary of the Army must be submitted to the Congress before August 13, 1971.

b. Expenditures during Fiscal Year 1970 must not exceed $150,000.

c. Total expenditures must not exceed $1,000,000.

These constraints require the study to depend heavily on available information, to minimize the collection and processing of new physical data, to use the judgment of experienced, knowledgeable personnel as its major resource, and to reduce duplication of effort to an absolute minimum. Accordingly, the study will be conducted as several separable but related efforts that can be pursued concurrently.

4. *Objectives.* The specific purposes of the National Shoreline Study are stated in the authorizing legislation and are in three closely related areas.

a. *Shore erosion:*

(1) Determining areas along such coasts and shorelines where significant erosion occurs.

(2) Identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified.

b. Shore protection:

(1) Describing generally the most suitable type of remedial action for those areas that have a serious erosion problem.

(2) Providing preliminary cost estimates for such remedial action.

(3) Recommending priorities among the serious problem areas for action to stop erosion.

c. Shore management:

(1) Providing State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline programs.

(2) Developing recommended guidelines for land use regulation in coastal areas taking into consideration all relevant factors.

(3) Identifying coastal areas where title uncertainty exists.

Consideration of these purposes and purpose areas together with the requirements suggested by the constraints identifies inventories of shore conditions and needed protection, development of guidelines for shore protection planning and design, and development of guidelines for shore management as efforts separable from the preparation of the Chief of Engineers' report.

5. *Regional inventories.* Inventories will assess the nature and extent of erosion; develop conceptual plans for needed shore protection; develop general order-of-magnitude estimates of cost for the selected shore protection, and identify publicly owned and used shores, privately owned and used shores, and privately owned but publicly used shores. In recognition of the fact that the inventories are intended to define the magnitude of the national shore erosion problem—not to produce project authorizations—inventories will be based to the maximum practicable extent on available information, knowledge, and judgment. Hydrographic and topographic surveys will not be undertaken unless the inventory is clearly dependent on them. Investigators will consult local authorities and agencies; compare time separated photos, maps, and surveys; make visual reconnaissance surveys; and review previous studies to determine where significant erosion occurs. In identifying areas where remedial actions may be justified and more detailed studies of survey investigation scope are appropriate investigators will consider use demand history, projections of future use demands (based on available information and judgment), general estimates of historic and future annual damages from property losses, general estimates of historic and future annual damages from business and recreation foregone and the effect of continued erosion on ecological values. Maps showing shore ownership will identify areas where title is believed to be uncertain.

6. *Shore protection guidelines.* The guidelines will be developed in sufficient detail to enable State and local authorities to plan effective shore protection works and to approximate costs. Guidelines will describe and detail typical control structures, present nonstructural alternatives, present examples of shore protection facilities and discuss their strengths and shortcomings, and present criteria for planning, designing, using and maintaining structural protection.

7. *Shore management guidelines.* These guidelines will be sufficiently broad to enable agencies and governmental bodies at both State and local levels to develop programs to improve the use and management of shoreline resources. Existing Federal shore protection programs and policies will be discussed as will examples of existing State and local programs. Historic and anticipated shore uses will be described, principles of comprehensive planning accompanied by examples will be presented, multiple use of shore and water areas, land use planning and construction will be developed, principles of cost sharing will be discussed, and the nature of public and private benefits will be described.

8. *Reports.* The following reports will be prepared:

a. *Regional inventory reports.* An inventory report will be prepared for Hawaii, Alaska, and each major drainage area outlined on the Water Resources Council 1969 map of Water Resources Development with boundaries adjusted as necessary to avoid dividing any state and with Puerto Rico and the Virgin Islands added to the South Atlantic-Gulf drainage area. These reports will be coordinated with State and local authorities and with field offices of other Federal agencies during preparation. Completed reports will be distributed to State and local authorities and to field offices of interested Federal agencies.

b. *Shore protection guidelines.* A single report for nation-wide use will be prepared. The report will be distributed to State and local authorities and will be available to other interested organizations and individuals through the Government Printing Office.

c. *Shore management guidelines.* A single report for nation-wide use will be prepared. The report will be distributed to State and local authorities.

d. *Chief of Engineers report.* The report of the Chief of Engineers with the Secretary of the Army's report, will be the direct response to the Congress' request for information on the state of the National shorelines and on the need for remedial action. It will summarize the findings of the regional inventories and assess the nature and extent of erosion from the National viewpoint. It will develop general order-of-magnitude estimates of the cost of needed remedial actions and will develop and recommend categories of priorities for remedial action by the Federal Government. It will analyze and discuss the impact of title uncertainty on effective shore protection and shore management, and the causes of title uncertainty; and will identify the areas where title uncertainty is probable. The report will be coordinated with the Governors of affected States and with other Federal agencies prior to submittal.

9. *Responsibilities.* Responsibilities are assigned as follows:

a. *Division Engineers.* Division Engineer, North Atlantic will be responsible for appraisal, investigation and study of the North Atlantic Region. Division Engineer, New England will cooperate with and support Division Engineer, North Atlantic as requested within the limits of New England Division. Other Division Engineers will be responsible for appraisal, investigation and study of Water Resources Regions as adjusted in accordance with paragraph 8a located within their divisions. Specific responsibilities are:

(1) Prepare, coordinate, publish and distribute Regional Inventory Reports.

(2) Ascertain, evaluate, and report State and local shore protection programs, to Director, Coastal Engineering Research Center.

(3) Ascertain, evaluate, and report State and local shore planning and management programs to the Chief of Engineers.

(4) Ascertain and report historic and anticipated shore uses to the Chief of Engineers.

(5) Recommend model building codes for control of shore and near shore construction to the Chief of Engineers.

(6) Recommend categories of priorities for remedial action to the Chief of Engineers.

(7) Evaluate and report the effects of title uncertainty on shore protection and shore management programs to the Chief of Engineers.

(8) Recommend changes to existing Federal legislation to the Chief of Engineers.

b. *Director, Coastal Engineering Research Center.* Director, Coastal Engineering Research Center will be responsible for the development of shore protection guidelines and will support Division Engineers as a technical consultant. Specific responsibilities are:

(1) Develop and distribute standard format for regional inventory reports to Division Engineers.

(2) Advise Division Engineers, at their request, during the course of the study, making such field trips as may be necessary.

(3) Review, for consistency and uniformity of treatment, conceptual plans for shore protection developed by Division Engineers.

(4) Prepare, publish, and distribute *Shore Protection Guidelines.*

(5) Recommend model building codes for control of shore and near shore construction to the Chief of Engineers.

(6) Recommend changes to existing Federal legislation to the Chief of Engineers.

10. *Schedules.* The following schedule for completion of draft and final reports and submittal of required information will be strictly observed. A chart is attached for convenient reference.

a. Regional inventory reports:

(1) Draft reports will be submitted to Chief of Engineers not later than 31 August 1970.

(2) Final reports will be published not lated than 31 May 1971.

b. *Shore protection guidelines:*

(1) Reports of State and local shore protection programs will be submitted to Director, Coastal Engineering Research Center not later than 31 August 1970.

(2) Draft report will be submitted to the Chief of Engineers not later than 31 October 1970.

(3) Final report will be published not later than 31 January 1971.

c. *Shore management guidelines:*

(1) Reports of State and local shore management programs will be submitted to the Chief of Engineers not later than 31 October 1970.

(2) Reports of historic and anticipated shore uses will be submitted to the Chief of Engineers not later than 31 October 1970.

(3) Reports on the effects of title uncertainty on shore protection and shore management programs will be submitted to the Chief of Engineers not later than 31 October 1970.

(4) Recommendations for model building codes will be submitted to the Chief of Engineers not later than 30 November 1970.

(5) Recommended categories of priorities for remedial action will be submitted to the Chief of Engineers not later than 30 November 1970.

(6) Recommended changes to existing Federal legislation will be submitted to the Chief of Engineers not later than 1 February 1970.

11. *Funding.* No funds have been appropriated but the budget now before the Congress for Fiscal Year 1970 includes $150,000 for this study. When appropriated and allotted, these funds will be allocated to Division Engineers.

SENATE JOINT RESOLUTION 250—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE MAXIMUM AGE LIMITS FOR CERTAIN OFFICERS OF THE GOVERNMENT

Mr. WILLIAMS of Delaware. Mr. President, today I am introducing a proposed amendment to our Constitution, the purpose of which is to establish a mandatory retirement age for Federal judges and for Members of Congress.

If this amendment is adopted both minimum and maximum ages for service would then be established in the Constitution of the United States for Members of Congress. The Constitution, of course, already sets minimum age limits. Recognizing that it would not be fair to set the same maximum age limit for the election of prospective Members of the Senate and Members of the House of Representatives because of the disparity in the length of terms of office in the two Houses. I have suggested that an age limit of 65 be placed on the election of a Senator and an age limit of 68 be placed on the election of a Representative. This would have the effect of causing Senators to retire at a maximum age of 71 and Representatives would no longer be eligible to hold office after having reached age 70. Of course, Members of Congress who took the oath of office before the effective age limits were reached would finish their terms.

At the same time the proposed constitutional amendment places a mandatory retirement age of 70 on members of the Federal Judiciary by prohibiting the appointment as a judge or Justice of the United States of anyone who has reached the age of 70, and it requires the retirement from regular active service of any judge or Justice within 30 days after he reaches age 70.

On February 18, 1969, I announced that I would not seek reelection to the U.S. Senate in the November 1970 election. At that time I stated that my primary reason for declining to seek another term in the Senate was the fact that if reelected I would be 72 years old when that term expired. I offered the opinion at the time that there should be some mandatory retirement age for both Members of Congress and members of the Federal judiciary, and it seemed to me that the best way to achieve this goal was by means of a constitutional amendment. Accordingly, I am today introducing such a proposed amendment.

We are now, of course, in the waning days of the 91st Congress, and I recognize that there is no possible chance of this proposed amendment being either considered or acted upon by this Congress. It may well be asked, then, why I waited until this late in the congressional session to introduce the proposal. This delay was deliberate.

There were two reasons. First of all, I am fully aware that the Congress could not and should not act precipitously on a proposal of this nature, but instead it should be considered carefully as an idea rather than as a specific proposal on which hearings should be held immediately. It is for that reason that I did not offer a written version of a proposed constitutional amendment in February 1969 but suggested it simply as a means of focusing attention on the idea of placing an age limit on services of Members of Congress and the judiciary. I offer the language of the proposal at this time in the hope that it will be reintroduced and receive the prompt attention which I believe it deserves when the 92d Congress convenes next month.

Another reason for my waiting until now to introduce the proposed amendment is that I did not wish its consideration or enactment to appear to be directed toward anyone on either side of the aisle who sought reelection this year or to appear as an excuse for my not seeking reelection. I preferred that it be considered on its merits after both the Congress and the public have had some opportunity to discuss it and reach some conclusions as to whether or not this is a move which should be supported as a matter of public policy. I think there has been sufficient time now for such general consideration, and I would hope that the next Congress will actively consider the enactment of the amendment.

I would like to reiterate one point which I made in my statement of February 1969 which I consider to be of great importance in connection with this matter. Some people with whom I have discussed this proposal have expressed the feeling that many individuals in the Congress are still quite vigorous and active, alert and capable, even though they have passed age 70. I certainly agree, and I would not suggest that their talents simply be ignored.

Private industry has universally adopted a mandatory retirement age of 65 for its top executives, yet there is no law either at the State or National level which requires such action.

The stockholders of any major corporation would today insist on the enforcement of this retirement rule because it has been demonstrated that an age limit on service is in the best interest of the company.

But while private industry has adopted this universal retirement age of 65 for its chief executives that does not mean they do not continue to draw upon the experience or advice of their former officers.

We know that President Nixon and Presidents Johnson and Kennedy before him have all consulted frequently with their predecessors, and I suggest that the incumbent Presidents and the Nation as a whole have profited by such consultation.

It would be the greatest folly to simply ignore these individuals whose knowledge has been accumulated over the years and not make use of such experience.

I suggest that both the Congress, as an institution, and the administration would be better served if such individuals were available for consultation and advice which they could give so well without being burdened with the responsibilities of office.

The adoption of this plan providing an age limit would greatly increase the efficiency of both the legislative and judicial branches of our Government.

It is especially important that the Congress give prompt consideration to this proposal as we witness the growing burden on the Congress and the courts.

Ten years ago no one would have thought that we would still be in session in December, but congressional sessions now appear to have become year-round matters.

Our Government today is supervising expenditures of over $200 billion annually. This is several times the workload of just a few years ago.

The burden is growing heavier on the Members of Congress, and in some cases it is taking its toll. Furthermore, an amendment such as I have proposed would do much to encourage younger men to seek office in the legislative branch, and both Congress and the Nation would be the beneficiaries.

Likewise, such a mandatory age limit of 70 for our courts is most essential. We have judges serving on our courts today who are long past the age where they can follow the arguments of a long and tedious trial.

The result is we are getting court decisions and opinions rendered by young law clerks who have no responsibility to the people.

This same situation regarding age has on occasions developed both in the House of Representatives and in the Senate, where men have served too long with the result that far too often the decisions of their office were being made by staff members.

This does not provide good judicial decisions, nor does it represent good legislative practice.

A question has been asked: How do some of the Members of Congress who would be affected by this amendment feel about the suggestion?

I have been surprised by the support I have received. Very often these Members would like to retire, but their constituents argue that they owe it to their supporters to seek reelection. The party wants a winner. If they refuse, they are confronted with the guilty feeling they are letting down their friends.

The adoption of this amendment would solve that problem.

Some argue that the adoption of this plan would provide for a lameduck Congressman or Senator who would lose his effectiveness during his last terms. That argument is not valid. Under the Constitution we now provide for a limit of two terms for our President, and no one referred to President Eisenhower as a lameduck President during his last term.

The same situation is true in most of our States which limits the service of Governors.

This same amendment is being introduced today in the House by Congressman ROTH of Delaware, the man who next year will be taking my place here in the Senate, and it is my strong hope that the new Congress, when it convenes next month, will give serious and prompt consideration to a constitutional amendment such as this.

Mr. President, I ask unanimous consent that the text of the proposed constitutional amendment be printed in the RECORD at this point.

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

The joint resolution (S.J. Res. 250) proposing an amendment to the Constitution to provide maximum age limits for certain officers of the Government, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

"ARTICLE —

"Section 1. No person who has attained the age of seventy years shall be appointed to be a judge or justice of the United States. Within thirty days of attaining such age, any judge or justice of the United States shall retire from regular active service.

"Section 2. No person who has attained the age of sixty-five years shall be a Senator, except that any Senator who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed.

Section 3. No person who has attained the age of sixty-eight years shall be a Representative, except that any Representative who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed.

ADDITIONAL COSPONSORS OF A BILL

S. 4307

At the request of the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 4307, to amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board.

SENATE RESOLUTION 496—SUBMISSION OF A RESOLUTION RELATING TO A PROPOSED WHITE HOUSE CONFERENCE ON THE NATIONAL ECONOMY

Mr. MCCLELLAN (for himself, Mr. MANSFIELD, Mr. JACKSON, Mr. RIBICOFF, Mr. ALLEN, Mr. BAYH, Mr. BELLMON, Mr. BIBLE, Mr. BURDICK, Mr. CHURCH, Mr. ELLENDER, Mr. ERVIN, Mr. FANNIN, Mr. GORE, Mr. GRAVEL, Mr. HARRIS, Mr. HOLLINGS, Mr. JORDAN of North Carolina, Mr. MCINTYRE, Mr. METCALF, Mr. MOSS, Mr. MURPHY, Mr. PELL, Mr. RANDOLPH, Mr. STENNIS, Mr. STEVENS, Mr. SYMINGTON, Mr. TALMADGE, and Mr. YARBOROUGH) submitted a resolution (S. Res. 496) declaring it to be the sense of the Senate that the President should call immediately a White House Conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment, which was considered and agreed to.

(The remarks of Mr. MCCLELLAN when he submitted the resolution and the ensuing debate appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 497—SUBMISSION OF A RESOLUTION ON THE NECESSITY FOR INTERNATIONAL COOPERATION AND UNITED NATIONS CONSIDERATION OF THE CONSEQUENCES, ENVIRONMENTAL AND OTHERWISE, of OPERATION OF CIVIL SUPERSONIC AIRCRAFT IN INTERNATIONAL COMMERCE

Mr. NELSON submitted the following resolution (S. Res. 497); which was referred to the Committee on Foreign Relations:

S. Res. 497

Resolution on the necessity for international cooperation and United Nations consideration of the consequences, environmental and otherwise, of operation of civil supersonic aircraft in international commerce

Whereas it is recognized that many of the international air carriers of the world are actively planning the purchase of civil supersonic aircraft which will regularly operate in international commerce at stratospheric levels and supersonic speeds; and

Whereas it is recognized that the operation of civil supersonic aircraft in international commerce will inject into the stratosphere quantities of water vapor, sulfur dioxide, hydrocarbons, and other solid or gaseous substances which may compromise the stability and integrity of the stratosphere and have a deleterious effect upon the earth's climate; and

Whereas it is recognized that the operation of civil supersonic aircraft produces the phenomenon of sonic booms, a continuous series of short, sharp shock waves at the surface of the earth beneath the aircraft's flight path, which may have serious detrimental effects upon the human and animal populations and the ecology of the area of the earth subjected to continuous repetition of sonic booms; and

Whereas it is recognized that the operation of civil supersonic aircraft would produce increased levels of noise in areas adjacent to points of landing and takeoff; and

Whereas it is recognized that the full nature and extent of the environmental impact and the ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are unresolved; and

Whereas it is recognized that the environmental impact and ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are of a global dimension; and

Whereas it is recognized that the preservation and improvement of national and global environmental quality are of the highest order of priority and necessary: Now, therefore be it

Resolved, That it is hereby understood to be the sense of the United States Senate that all issues pertaining to the operation of civil supersonic aircraft in international commerce be presented to the United Nations for the attention and consideration of the General Assembly, and that the subject of the environmental impact and ecological consequences of the operation of civil supersonic aircraft in international commerce be presented for inclusion on the agenda of the United Nations Conference on Environment to be held in Sweden in 1972.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 1141 THROUGH 1143

Mr. MONDALE submitted three amendments, 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 were ordered to lie on the table and to be printed.

AMENDMENT NO. 1144

SOCIAL SECURITY COMPUTATION OF AVERAGE MONTHLY WAGE

Mr. MONDALE. Mr. President, under the present social security laws, many workers lose significant retirement cash benefits because of changes in the conditions of their employment over which they have no control. Under present law, benefits are based on average earnings in all years, minus the 5 lowest years. On this basis, benefits are reduced in cases of declining earnings in later years, or in cases of reduced wages or unemployment in a changing industry. If a laborer is unable to continue heavy manual work and must take a lower paying job in the last years before he retires, he will receive a lower monthly social security benefit after retirement. Any losses in annual income due to mergers, plant closings, or recession are reflected in retirement benefits, if an employee has 5 lower earning years at the beginning of his career.

My amendment would protect retirement earnings by basing benefits on an individual's 10 highest earning years. This bases the computation on the positive side of the employment record, over which an individual has control. The estimated cost of this change would be 0.66 percent of taxable payroll.

To illustrate the workings of this provision: In Minnesota, where we have had rises and declines in the iron ore and lumber industries, a laborer at the median wage level would have $168 monthly social security benefits at best. If he had suffered 5 years of reduced pay or a year of unemployment late in his career because of changes in his industry, he would get only $161, or a 4-percent reduction. Under my amendment, his benefit would be based only on his 10 highest years of earnings, and he would pay no penalty for wage conditions beyond his control. He would earn $179 per month, or 12 percent more than under present law.

In many States, rapid shifts in new technologies cause frequent layoffs in many industries. The high current rate of general unemployment is also causing losses in the computation of average monthly wages for most of the almost 5 million unemployed who are covered by social security.

If we consider that half of all persons over 65 have less than $1,500 annual income, it is obvious that we ought to design methods of computing benefits which would protect social security beneficiaries from erosions of their benefit base over which they have no control. This kind of policy is now applicable to Federal civil service employees; the Congress recently established their retirement benefits based on their highest 3 years of wages. For many years the military has based retirement income on the highest permanent pay grade attained. These positive definitions result in pension levels which are in sharp contrast with the average social security payment, which the Bureau of Labor Statistics says constitutes only one-third of a reasonable budget for retired persons.

When the Social Security Act became law in 1935, President Franklin Roosevelt said that he considered it the beginning of a "supreme achievement" in national legislation. While we consider amendments to that act 35 years later, I question the supremacy of our legislative achievements for our older citizens.

Older citizens are being cruelly squeezed between stationary pensions and the worst price rises in a decade. Shriveling pensions strip away the only hope most retirees hold for independence and dignity.

Thirty percent of all Americans over 65 live in poverty, as opposed to 12 percent of all other citizens. It is difficult for those of us who are relatively affluent to realize that these millions of retired citizens are thus condemned to lose their share of our affluence and the dignified retirement they have earned.

I urge consideration of the amendment which I submit as part of the effort to preserve a decent life for our older citizens.

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

AMENDMENT NO. 1145—EARNINGS LIMITATION

Mr. MONDALE. Mr. President, I would like to commend the committee for its recommendations of a 10-percent cash benefit increase and establishment of a $100 monthly minimum benefit. These changes will do much to alleviate deprivation among the elderly. I also support a number of the other improvements in cash benefits suggested by my other colleagues, some of which amendments I have cosponsored.

I would like to briefly discuss my amendment which I submit related to the earnings limitation on social security benefit entitlement.

Many retirees wish to remain active by working parttime. This often contributes to good physical and mental health, and obviously many retirees need income supplements. At the present time, however, social security policy dictates that a retiree may earn only $1,680 annually without losing some of his social security benefits; the bill now before us sets the limit at $2,000. Along with many of my colleagues, I believe that the limit ought to be raised to $2,400, to encourage beneficial activity and to give retirees more opportunity to remain materially independent. The cost of this change, $280 million dollars more per year then in the committee bill, is not excessive when we consider that in recent years we have willingly spent such sums as $1 billion dollars, or four times as much as this amendment would cost, for the B–70 bomber, which is now obsolete and never went into production.

I believe that our public policies have not been adequate to maintain certain basic benefits of American citizenship for older Americans, and many senior citizens have lost their independence and individual dignity. Every person has a right to maintain his autonomy, his individuality as a citizen, to the end of his life.

But that is becoming more and more difficult in the United States. In the last 30 years, the average life expectancy in the United States has risen from 63 years to 70. At the same time the mandatory retirement ages in many occupations have been lowered. This has brought enforced idleness and feelings of uselessness to millions of our citizens. In the past 15 years, the percentage of those between 65 and 70 who were employed dropped from 58 to 34 percent.

At the same time, as our society has become more mobile, our traditions of mutual support between children and aging parents have fallen away.

Idleness and isolation are often accompanied by severe income losses. Older citizens are being cruelly squeezed between stationary pensions and the worst price rises in a decade.

The incidence of poverty among persons over 65 is almost three times the rate among the population under 65. Most importantly, only 17 percent of social security recipients have any outside source of income.

This amendment addresses itself to the problem of enforced idleness and low levels of income. It would do much to encourage part-time employment among retired persons. This provision would also help prevent the complete loss of the valuable talent and experience which senior citizens add to the Nation's productivity.

I urge the Senate's approval for increasing the earnings limitation to $2,400 per year.

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

AMENDMENT NO. 1146

SOCIAL SECURITY COVERAGE FOR FARMWORKERS

Mr. MONDALE. Mr. President, for all practical purposes, migrant and seasonal farmworkers are excluded from coverage under the Social Security Act, although it is one of the few major areas of conventional Federal employee benefit programs in which farmworkers may receive even the slightest theoretical benefit.

Since 1956 farm employment has been covered for social security purposes if the worker received cash wages amounting to at least $150 from one employer during the year, or if a worker worked for one employer 20 days or more during the year. A significant provision of the present law treats the crew leader as an employee of the farmer unless there is a written contract between the two that provides otherwise.

The restrictions in the law effectively serve to deny coverage for the farm-

worker. First, the low rate of compensation and short periods of employment that characterize migrant and seasonal farmwork often prohibit him from meeting even the meager qualifying requirements set forth above. A further catch is that the 20-day requirement must be for cash remuneration computed on a time basis rather than on a piece rate basis. As many farmworkers are paid on a piece rate basis the 20-day provision has had limited practical effect.

The provision allowing treatment of the crew leader as an employer raises serious problems for the farmworker, the farmer, and the crew leader. The initial rationale for this provision was to give the employee working on several farms under a single crew leader a better chance to meet the annual requirement of $150 or 20 days under one employer. Additionally, the crew leader language was initially inserted in 1956 to relieve the farmer of alleged bookkeeping inconvenience.

However, because of the nebulous and changing work relationships between farmers and crew leaders, the amendment has become a screen for tax evasion by endless shifting of responsibility between the farmer and a sometimes difficult to find crew leader. And, although some provisions of the Farm Labor Contractor Registration Act would hopefully have aided in keeping track of some crew leaders, permitting at least a chance for eliminating abuse, that act for all practical purposes is unenforced.

Two amendments to the Social Security Act would eliminate the discriminatory treatment of the farmworker.

First, by eliminating the restrictive wage and work period qualifications, a greater number of farmworkers would be covered.

Second, by eliminating a law which makes the crew leader an employer for social security purposes, there would be less chance for abuse.

The first amendment, in addition to covering more farmworkers under the Social Security Act, would also provide major relief to the farmer who is permitted to withhold a portion of a farmworker's pay although he may not know if the farmworker is, or will be, covered. Often this portion is not refunded when all qualifications for coverage are not met by the farmworker.

By passing this amendment, the farmer would be relieved from the guessing game as to which farmworkers are covered, and whether he might be liable for funds illegally appropriated through an unscrupulous crew leader.

By eliminating the presumption that the crew leader is the employer, the second amendment would relieve the farmworkers of the determination of who may have illegally appropriated his withholding, either the farmer or the crew leader. Many farmworkers are paid by the day and neither records of their earnings nor receipts for deductions are provided. Presently, although the law requires that a receipt of social security withholding must be given to any employee who earns $600 or more, this is usually not applicable to the migrant who is a short term worker usually not earning $600 for any one employer, and usually not easily contacted following termination of employment because of his mobility. By placing full responsibility for social security coverage on the farmer, the farmworker will better know who to approach in terms of the extent and nature of his coverage.

The financial cost of making some minimal provision for our farmworking citizens when they become too old to follow farmwork or other gainful employment, has been unfairly thrust upon the general public. In other words, the limitations on coverage of these workers during their periods of gainful employment in farmwork, although amounting to a minor benefit or convenience to the employer, will in the long run constitute a substantial detriment to the taxpaying public as well as the farmer himself. Every dollar that these citizens are allowed to pay for their own social security entitlement will lessen the financial burden on the taxpaying public during the worker's nonproductive years.

Mr. President, I ask unanimous consent that my amendment which I submit to the Social Security Act (H.R. 17550) now on the floor, be printed in full in the CONGRESSIONAL RECORD at this point in my remarks, together with a section-by-section analysis.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and section-by-section analysis will be printed in the RECORD.

The amendment (No. 1146) is as follows:

AMENDMENT NO. 1146

On page 123, line 24, insert the following:

COVERAGE OF AGRICULTURAL LABOR

SEC. 134. (a) Section 209(h) of the Social Security Act is amended to read as follows: "(h) Remuneration paid in any medium other than cash for agricultural labor;".

(b) Section 210(n) of such Act is repealed.

(c)(1). Section 213(a)(2) of such Act is amended by striking out "(except wages for agricultural labor paid after 1954)".

(2). Section 213 of such Act is further amended by repealing paragraph (2)(iv) thereof.

(d)(1). Section 3121(a)(8) of the Internal Revenue Code of 1954 (relating to definition of wages for purposes of the Federal Insurance Contributions Act) is amended to read as follows:

"(8) remuneration paid in any medium other than cash for agricultural labor;".

(2). Section 3121(o) of such Code (relating to definition of crew leader) is repealed.

(e) The amendments made herein shall be applicable only with respect to remuneration paid after 1970.

The analysis, presented by Mr. MONDALE, is as follows:

SECTION-BY-SECTION ANALYSIS OF AMENDMENTS TO COVER FARMWORKERS UNDER SOCIAL SECURITY LEGISLATION

Section 134. (a) Under the "Definition of Wages" provisions of the present Social Security Act, the farmworker must receive cash wages amounting to at least $150 from one employer during the year, or alternatively, the farmworker must work for one employer twenty days or more during the year, before any wages that he earns are counted. The proposed amendment eliminates these special requirements for farmworkers, thus putting him on an equal footing with all other covered employees. The limitation that only cash wages can be counted, rather than any other form of remuneration (such as housing or food), remains intact.

Section 134.(b) This repeals the definition of Crew Leader appearing in Section 210(n). The present Act establishes the crew leader, rather than the farmer, as the person primarily responsible for deducting social security. There presently is a legal presumption created that farmworkers paid by a crew leader are employees of the crew leader, rather than the farmer; also, under no circumstances is a crew leader considered as an employee of the farmer. These provisions are subject to substantial abuse that adversely affects farmers, farmworkers, and crew leaders.

Section 134.(c) The language in c(1) places farmworkers on the same footing as all other workers regarding the definition of quarter of coverage under Section 213 of the Social Security Act; and Section c(2) removes special limitations for agricultural workers requiring that certain minimum amounts must be made each quarter for coverage in the next quarter, and permitted some overlapping of quarters under limited circumstances.

Section 134.(d) To accomplish coverage of agricultural laborers under the Social Security Act, this section makes necessary changes in the related Internal Revenue Code of 1954, as amended, regarding the definition of wages for purposes of the Federal Insurance Contributions Act. Thus, section (d)(1) amends Section 3121(a)(8) of such Act to remove the discriminatory wages and days worked provisions of the present law; and section (d)(2) repeals language which defines the crew leader.

Section 134.(e) The amendments made by the preceding sections shall be applicable only with respect to remuneration paid after 1970.

AMENDMENT NO. 1147

Mr. KENNEDY (for himself, Mr. YARBOROUGH, Mr. SAXBE, Mr. MATHIAS, Mr. HART, Mr. HUGHES, Mr. MCGOVERN, and Mr. MONDALE) submitted an amendment, intended to be proposed by them, jointly, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1148

Mr. PROUTY submitted an amendment, intended to be proposed by him, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1149

Mr. PROUTY. Mr. President, I submit an amendment to H.R. 17550 and ask that it be printed.

This amendment which I plan to offer to H.R. 17550 would eliminate the present tariff on petroleum products imported into the United States

The President pointed out in his latest inflation alert that oil prices play a part in our rising cost of living. The amendment seeks to relieve the consumer of a tariff on oil products that are imported into this country under a quota system which is already creating artificially high prices for petroleum products.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed.

AMENDMENT NO. 1150

Mr. PERCY. Mr. President, I would like to comment briefly on that portion of H.R. 17550, the Social Security Amendments of 1970, which deals with the old age, survivors, and disability insurance system.

The importance of this bill, which pro-

vides benefits to over 26 million aged Americans, cannot be overstated. A major portion of these 26 million Americans depend completely upon monthly social security checks for a living, and fully one-third of these people live at or near the poverty level.

Thus, the most well-known provision of H.R. 17550, which raises the current benefits by 10 percent, is of vital importance. There are, however, a number of other provisions in the bill which have received less attention, but which are nonetheless equally important.

I am pleased to say that these other important provisions include two proposals which I submitted to Congress well over a year ago, and testified on this year before the Finance Committee; namely, my proposal to provide full benefits for widows; and to grant automatic benefit increases to correspond with rises in the cost of living.

FULL BENEFITS FOR WIDOWS

Under existing law, a man can draw 150 percent of his monthly benefits if he is married. If he is a widower, he receives his full benefits—or 100 percent. But if he leaves a widow, she can receive only 82½ percent of his total allotment. This is a serious injustice, as there is no reason to think that a single widow living alone needs less than the worker himself living alone. The widow's landlord certainly does not lower the rent by 17.5 percent—100 percent–82½ percent; nor does her grocer lower the price of food items by that amount.

H.R. 17550 corrects this inequity by accepting my proposal of last year; namely, to give widows 100 percent, rather than just 82½ percent, of her deceased husband's primary insurance amount when she reaches age 65.

AUTOMATIC BENEFIT INCREASES TO CORRESPOND WITH THE COST OF LIVING

My other proposal that I first made as a pledge in the campaign of 1966, a proposal also made by President Nixon, to grant automatic benefit increases to correspond with rises in the cost of living, was also accepted by the House and Finance Committee. This proposal assures some protection against inflation to the people who must worry about the 5-cent hike in bus rate fares and the 3-cent increase in the price of bread.

In opposition to this proposal, some people have made the point that Congress has generally acted to provide increases commensurate with the cost of living, and that Congress should retain its authority over these increases. These people do have a point, in that Congress generally—sooner or later—does provide the necessary increases to meet the cost of living. Unfortunately, however, this sometimes occurs later rather than sooner.

For example, from 1959 to 1965 there was no change in the benefit level, although the purchasing power of the dollar declined by 8 percent. And earlier, between 1940 and 1950 there was no change in the benefit level, even though the purchasing power of benefits declined by about 37 percent. There is no way that we can compensate for the hardships endured during these periods when benefits lag behind the cost of living. Those people dependent upon social security during these periods suffer unduly, and this cannot be undone by a belated benefit increase.

This is why I feel my proposal to incorporate automatic benefit increases is so important, and why I am so pleased with the Finance Committee's action in retaining this House-passed provision. In addition, the Finance Committee wisely added its own provision that Congress should initiate action on the increases, and thereby retain some authority over them.

THE RETIREMENT TEST

A third proposal of mine, to increase the current earnings limitation of $1,680 to $2,400 immediately, was partially accepted by both the House of Representatives and the Senate Finance Committee. By raising the earnings limitation to $2,000, with a $1 for $2 reduction in earnings above $2,000, and by eliminating the former $1 for $1 reduction in earnings once a person begins making $2,880, the House and Senate Committees moved in the right direction, and I commend them. I feel we can and should go further, however, by raising the limitation to $2,400.

The social security program was originally devised to provide a floor of protection against the loss of earnings caused by a worker's retirement, death, or disability, and the so-called retirement test was established to assure that a worker had, in fact, retired. Since social security was also never intended to provide much more than a modest standard of living, an individual was expected to supplement social security with individual savings or a private pension plan. A person is allowed to keep full social security benefits no matter how much he gets in dividends and interest from investments or savings; but he cannot keep all of his earnings once he makes more than $1,680.

All this is well and good, except that even if a person does as he should and invests in a private pension plan or in savings, this does not assure him an income. There is a certain amount of truth in a remark made by Thomas R. Donahue, an assistant secretary of labor during the Johnson administration, who told the Senate Labor Committee:

> In all too many cases the pension promised shrinks to this: If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there's enough money in the fund, and that money has been prudently managed, you will get a pension.

One study of 10 pension plans revealed that less than 10 percent of 60,000 low-paid workers would ever receive a pension benefit.

What does a person do if all his savings have been eaten away by inflation and his privately financed pension plan has collapsed or otherwise failed to provide his needs? All he can do is try to supplement his income by working, yet under present law, he is penalized for doing so.

Since 1935, when social security was enacted, property taxes have increased nearly fivefold. Rents have doubled and tripled in many cases, as have transportation costs. In many cases, it is only by working that a person can keep up with these increases.

I would like to propose a modification to my original bill to increase the earnings limitation immediately to $2,400. While I would eventually like to see a total elimination of the retirement test—and will recommend that the staff of the Senate Finance Committee make studies and that the committee hold hearings toward this end, I think we must be realistic in recognizing that this would be extremely costly if done now. It is my understanding that an immediate elimination of the "test" would cost somewhere between $2.25 and $2.50 billion in the first year.

Instead, I would modify my original proposal by raising the limitation immediately to $2,400, and by retaining the well-advised committee-approved provision whereby we increase the exempt amount automatically as the cost of living rises. Thus, the $2,400 figure would remain constant in "real" terms, and not be eroded by inflation.

The idea of removing the retirement test completely—which I feel has considerable merit—should be studied by a special advisory council for social security matters prior to our own hearings.

The cost of my amendment which I submit would be $850 million in the first year, or $280 million more than the cost of the committee bill. But because my amendment might also preclude the necessity for some aged persons to go on welfare, its additional cost over the committee bill would be offset to a certain extent.

A full one-third of all social security recipients live at or near the poverty level. By raising the earnings limitation to $2,400 instead of to $2,000, I think we could prevent some of these people from having to go on welfare, and allow them to maintain their sense of dignity and independence—so important to all of us.

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

AMENDMENT NO. 1151

Mr. PERCY. Mr. President, I am submitting an amendment on behalf of myself and the Senator from Alaska (Mr. STEVENS) to H.R. 17550 which removes discriminatory provisions of the Social Security Act applying to blind and permanently and totally disabled persons.

At present, title XIX of the Social Security Act—medicaid—in determining eligibility for the extent of medical assistance to be available to individuals, states that—

> The financial responsibility of any individual for any applicant or recipient of assistance under the Act should not be considered unless such applicant or recipient is such individual's spouse or such individual's child who is under age 21; *or is blind or permanently disabled.*

Titles X and XVI—grants to States for aid to the blind; and grants to States for aid to the aged, blind, or disabled, respectively—also have the effect of allowing States the latitude to set up relative responsibility regulations. In other

words, blind or permanently and totally disabled persons over age 21 must, in many cases, undergo the humiliating, degrading experience of proving to the State that their parents lack the financial means, or the willingness, to meet their medical—or other—needs.

Nondisabled, needy adults are not subjected to this humiliating experience. Only the blind and otherwise disabled—of whom there are about 82,000 and 600,000, respectively, in the United States—are singled out and expected to bankrupt their parents.

In most cases, when the parents or relatives of adult blind or disabled children are able to offer assistance, they do so willingly. When the parents are not in a position to offer assistance, what is the point of allowing States to say to a blind or disabled individual:

> Your parents are responsible for your needs, but since they will not provide them, we will not either.

This makes no sense at all in my opinion.

When one considers the hardships caused by blindness and other disabilities and the courage and self-confidence necessary to overcome handicaps so as to function in a dyanmic society, it seems even more unfortunate that we ask these people to face a humilitating, painful, and unnecessary experience before qualifying for assistance they might need. The sense of independence and self-respect that a blind or otherwise disabled adult can acquire by knowing he is no longer a burden to his family may make a significant impact on his level of aspiration and ability to move forward into real independence.

The ability to perform successfully and to be a contributing member of society is a necessary foundation for the self-respect of a young blind or disabled adult. As he becomes no longer a burden to his family, the improved attitudes and the more wholesome relationship between him and his parents can be expected to result in increased support and encouragement from them. We thus will have provided the conditions under which a seriously handicapped person can aspire to freedom and achievement and can move forward into real independence.

I, therefore, urge support for this amendment so that we can do away with this glaring inequity and discrimination against blind and disabled citizens within our society.

Mr. President, the cost is actually too small to estimate according to the Social Security Administration. But the benefit to those affected is great, indeed.

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

AMENDMENT NO. 1152

Mr. HART. Mr. President, on behalf of Senators KENNEDY, PROXMIRE, GOODELL, GORE, HUGHES, INOUYE, MCINTYRE, MCGOVERN, MONDALE, NELSON, PASTORE, PELL, RIBICOFF and myself, I submit an amendment to H.R. 17550, the social security bill. I ask that it lie on the table and be printed.

The amendment ends the oil import quota system effective January 1, 1972.

It makes the provisions of the National Security Clause, Section 232 of the Trade Expansion Act of 1962, inapplicable to petroleum and petroleum products, thus ending the President's authority to restrict the free importation of oil.

Import quotas on petroleum do not protect the national security. They impose a severe burden on the American consumer. The staff of the Antitrust Subcommittee of the commission on the Judiciary has estimated the cost of this system as $7 billion.

When a system costs $7 billion, it should deliver as promised or be eliminated. This system should be eliminated.

The elimination of oil import restrictions will give Congress the opportunity to consider the question of how to best guarantee the country a secure supply of low cost oil. A number of ideas, all superior to quotas have been put forward. I would hope that in the debate on this amendment they will be discussed.

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

AMENDMENTS NOS. 1153 THROUGH 1157

Mr. HARTKE submitted five amendments, intended to be proposed by him, to House bill 17550, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1158

Mr. WILLIAMS of Delaware (for himself, Mr. TALMADGE, Mr. FANNIN, Mr. COTTON, Mr. HANSEN, Mr. HOLLINGS, Mr. MCINTYRE, Mr. MUSKIE, Mr. PASTORE, Mr. SCHWEIKER, and Mr. THURMOND) proposed an amendment to House bill 17550, supra, which was ordered to be printed.

(The remarks of Mr. WILLIAMS of Delaware when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

THE PRESIDENT'S VETO OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. MUSKIE. Mr. President, the President's veto of the Employment and Training Opportunities Act of 1970 reflects a callous disregard of the unemployment problems of the seventies.

The President showed no understanding of the purpose of this bill and no concern for the problems which it would help alleviate.

The President based his objection to this bill on the argument that it would create "temporary" and "dead end" jobs of a "WPA type." Yet, the President has insisted on enactment of the famliy assistance program, and we all know of the success of the Works Projects Administration.

Like the President's FAP program and the WPA, this bill would take people off the welfare rolls and put them to work. Like the WPA, this bill would provide useful public service jobs in areas such as public safety, health, pollution control—jobs which deserve neither the classification of "temporary" nor the condemnation of "dead end."

In fact, public service jobs are some of the most important in the economy. We need people to fill them, and the money to train them and pay them. A study completed in 1966 by the Commission on Technology, Automation, and Economic Progress estimated that over 5 million jobs could be filled through public service employment programs. The number is higher today.

This veto is also out of step with the President's commitment to reform social services programs and to provide work instead of welfare support. The administration's welfare reform package includes a public-service employment program for welfare recipients. The President's veto is inconsistent with that commitment.

This veto contradicts the President's own support for returning the responsibility for local programs to people on the local level. Last year, the President said that—

> It is time for a new federalism in which power, funds, and responsibility will flow from Washington to the states and the people.

While other manpower programs are criticized for limited local involvement, this new program would give mayors of cities throughout the country an opportunity to play a major role in planning and operating manpower programs.

Finally, the President's veto offers little hope that this administration will make a significant effort to shift the priorities of employment. The WPA and the CCC of the thirties were successful not only because they gave people work, but also because the people who worked gave their country something in return—the benefit of their skills in public service. Given a choice, the President has vetoed a program which would have provided as many as 40,000 public service jobs in its first year, and he has supported an SST project that would provide half as many jobs at one and a half times the price.

WHITE HOUSE CONFERENCE ON CHILDREN—REMARKS OF THE PRESIDENT

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of the President at the White House Conference on Children on December 13, 1970.

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

REMARKS OF THE PRESIDENT AT THE WHITE HOUSE CONFERENCE ON CHILDREN, THE SHERATON PARK HOTEL, WASHINGTON, D.C.

Mr. Secretary, Mr. Mayor, Mr. Chairman, and ladies and gentlemen, all of the delegates to this Conference:

Before I begin my prepared text, I would like to express my deep appreciation to all of you who have come to this Conference, and also for the very special entrance that was arranged on this occasion.

One of the great privileges for the President of the United States, of course, is to hear Hail to the Chief. I have heard it many times since I became President almost two years ago. I have never heard it played better than by the East Atlanta School from over here, an elementary school.

Speaking as one who played a very poor

second violin in a high school orchestra, I appreciate all of the work and the talent that is represented therein by the leader who was able to develop those talents.

I am very proud tonight to share with six of my predecessors, starting with Theodore Roosevelt and most recently, Dwight Eisenhower, the honor of convening a White House Conference on Children. I take very special pleasure in welcoming all of you here.

Our concern at this Conference is with the wellbeing of 55 million individual human beings who happen to be children under the age of 14, and who represent one-fourth of all the people in America.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that—in fact that nothing is so intensely personal as the private world of the child; nothing so removed from the statistical abstractions of a chart or a computer.

In talking about our children, we are talking about our world and about its future, but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different and very special, and full of promise and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike.

I am sure some of you have heard the little television commercial, a musical one, that has the little ditty that goes "No one else in the whole human race is exactly like you."

Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass, about cities of more than a million or less than a million, of people over 65 or those under 21, about whole school systems or health delivery systems.

Just yesterday, I spent a great part of the day working on next year's Federal budget, on billions for this and billions for that, and how perhaps $100 million could be saved here in order to do something we want to do someplace else; trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people. Sometimes, after a day like that, I find myself reflecting on both the necessity and then the impersonality of it all. Budgets have to be made and they have to be followed because that is the way the real world operates. And governments have to deal with great masses of people because this is the way governments operate.

But how far removed this can get us from the perspective of the individual person. How great a tendency there is in government to lose track of people as people, to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about.

If there is one thought more than any other that I would like to leave with you, all of the 4,000 delegates to this Conference, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here taking part in this great Conference because you do care not only about children in the mass, but about the child. I hope you will help us in government to keep the focus on that one child.

One of the special glories of America is that we are a nation of individuals and individualists. We produce people, not automatons. We recognize diversity not as an evil but as a virtue. We turn not to one institution alone but to many to perform the great task of achieving a better life for all of us.

We recognize, of course, the role for government, for the church, the home, the school, the volunteer agencies that are so distinctive a feature of American life. And we do know that this is a case in which individual cooks, and additional cooks, do enrich the broth.

There is, of course, a large and vital role government must play in insuring the best possible opportunities for the child.

Tonight I would like to speak briefly to you about just one government program, a Federal Government program presently being considered by the United States Senate, which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income.

For generations, social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but very profound in its consequences.

On August 11, 1969, over a year ago, I proposed that for the first time in America's history we in this great, rich country establish a floor under the income of every American family with children. It has, in turn, been called by others the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children, I think it can be fairly said to be the most important piece of social legislation in the history of this Nation. I am sure you know the story of the legislation. In April, it passed the House of Representatives by almost 2-to-1. Then it became mired down in the Senate. It is still stuck there, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again unequivocally my personal support for welfare reform this year, and to urge your support for welfare reform this year.

In the last 10 years alone—listen to this—the number of children on welfare in America has tripled to more than six million. Think of it—six million children—six million children caught up in an unfair and tragic system that rewards people for not working instead of providing incentives for self-support and independence; that drives families apart, instead of bringing them together; that brings welfare snoopers into their homes, that robs them of pride and destroys dignity. I believe we should change that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual, and most of all against the very children who are our concern, your concern, in this great Conference, the children it is meant to help.

We have taken long strides—not enough, but long strides—toward ending racial segregation in America. But welfare segregation can be almost as insidious.

Think what is means to a sensitive child.

Let me give you one example. My daughter Tricia does tutoring at an inner-city school here in Washington. She tells me of her deep concern each day to see the welfare children herded into an auditorium for a free lunch, while the others bring their lunches and eat in the classroom.

We have to find ways of ending this sort of separation. The point is not the quality of the lunch. As a matter of fact, she tells me that the free lunch is probably nutritionally better than the ones the others bring from home.

The point is the stigmatizing by separation of the welfare children as welfare children.

I remember back in the Depression years—and if this dates me, if you can remember, you can remember, too—of the 1930's, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill, because their fathers were out of work, and how this seemed to separate them from others in our school.

None of us had any money in those days, but those in families where there were no jobs and there was nothing but the little that relief then offered suffered from more than simply going without. What they suffered was a hurt to their pride that many carried with them for the rest of their lives.

I also remember my older brother. He had tuberculosis for five years. The hospital and doctor bills were more than we could afford.

In the five years before he died, my mother never bought a new dress. We were poor by today's standards, and I suppose we were poor even by Depression standards.

But the wonder of it was that we didn't know it. Somehow my mother and father, with their love, their pride, their courage and self-sacrifices were able to create a spirit of self-respect in our family so that we had no sense of being inferior to others who had more.

Today's welfare child is not so fortunate. His family may have enough to get by on and, as a matter of fact, they may have even more in a material sense than many of us had in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor and he can feel that soul-stifling patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—a caseworker who himself is trapped in a system that wastes on policing talents that could be used for helping—watches while this caseworker is forced by the system to poke around in the child's apartment, checking on how the money is spent, or whether his mother might be hiding his father in the closet.

This sort of indignity is hard enough on the mother. It is enough of a blow to her pride and to her self-respect. But think of what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare and without making him feel that he is therefore something less than other children.

Our task is not only to lift people out of poverty but from the standpoint of the child our task is to erase the stigma of welfare, illegitimacy and of hardship, and to restore pride, dignity and self-respect for every child in America.

I don't contend before this sophisticated audience of critics that our Family Assistance Plan is perfect. Secretary Richardson, who has been before the Senate, will be able to answer questions that you may put to him because he has been before a very, very critical body.

But I am only going to suggest this: In this confused, complex and intensely human area no perfect program is possible, and certainly none is possible that will please everybody. But this is a good program, and a program immensely better than what we have now, and vastly important to the future of this country—and especially to the neediest of our children. It is time to get rid of the present welfare program and get a new one, and now is the time to do it.

For the United States Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance and because now is the time for Senate decision.

This represents, as I indicated, one of the things the Federal Government can do to give children a better opportunity.

There are others: our programs for the right to read, our emphasis on the first five years of life through the new Office of Child Development in the Department of HEW, on education reform, on food, nutrition, and in many others where we are trying to meet what I believe is a great responsibility that rests with the Federal Government.

I know in this Conference you will have many new ideas for things we in Government, in the Federal Government, might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done. But I would also stress that equally and often more important is what States and communities do, and the school, the church, the family, the mass media, the volunteer organizations, each of us as individuals. For the child is not raised by government; the child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time, their energy and their heart to volunteer activities working with children. You know them in your communities—thousands, hundreds of thousands all over America.

Before becoming President, I served as National Chairman of the Boys Clubs of America. I saw from the inside the wonderful work organizations like the Boys Clubs and others do, and also the spirit and dedication of the people who make them possible. There are churches and service organizations, hundreds, thousands of organizations all across America helping. They can help more.

And most important, these volunteer organizations can do what government cannot do: they can give heart and inspire hope, and they can address themselves not simply to children as a group but to that one special, precious child.

Before closing tonight, I would like to leave with you a few very personal reflections from the perspective of the office I hold.

A President of the United States always thinks about the legacy that he would like to leave the country from the years he serves in this office. I think often about that in terms of what I can leave for America's children.

I know that the first thing I would like to do for them is to bring peace to America and to the world. And here I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace, so that theirs, at last, can be what we have not yet had in this century—a generation of peace.

I speak not only of the absence of war, but also of a peace in which we can have an open world in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that as President I would like to leave for America's children is a strong, productive and creative economy—one that can provide every family with a floor under its income higher than what is now the ceiling for most of the world's peoples.

I want to leave them an economy that provides jobs for all with equal and full opportunity, jobs producing not for war but producing for peace.

And beyond this, I want, as you want, America's children in the last generation of this century to have the best education, the best health, the best housing that any children have had anywhere, anytime.

I want them to enjoy clean air, clean water, the open spaces, to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, because this is a very diverse country, I hope that Government can help achieve a better understanding among the generations, the races, the religions, among those with different values and different life styles.

I would like to do all this and do it in the climate of freedom.

I want this generation of children to develop a new sense of patriotism.

Edmund Burr pointed out that patriotism translated literally means love of country. And he went on further to say that for us to love our country, our country must be lovely.

We do love our country—most of us—but we know it has many unlovely features. I want young Americans to learn to love America, not because it is the richest country, or the strongest, or merely because they were born here, but because America is truly a good country and becoming better, because it is truly a lovely country.

I am convinced that in my term as President we made some progress towards these goals that I outlined and I think that we, by the end, will have made more progress. But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what Government does for people, no matter what we provide in the way of income, housing or food, we still have not reached the essential element as far as a full and meaningful life is concerned, because what is most important is that every person in this country must be able to feel that he counts.

We have to let 55 million very young Americans, as well as those a little older perhaps, know that what they do matters, that their ideas count, that the country needs their thoughts, their creativity, their contributions.

I recall Dr. Walter Judd once said that he loved his daughter very much, and then when she asked him to help her with her arithmetic, he really could do it much better than she could, the easiest thing for him to do would be simply to do it for her. But because he loved her, he would not do it for her. He helped her learn to do it herself.

While this conference will and should make recommendations as to what Government can do for children, about how we can make life better for them, let us remember that what is most important is to provide the opportunity for each of our children to participate, for each child.

It is not just a matter of what more Government is going to do for him, but how his own life is going to be enriched so that he can do something for his fellow man.

A sense of dignity, a sense of identity, of pride, of self respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research and provide services. It can offer advice and guidance. But all these only help to make success possible.

The love, understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people, people like you.

And the way we shape the character of the next generation we test our own character as people. And the vigor and the realism with which we approach the needs of the next generation, of each and every child in that generation, tests our devotion to humanity and our belief in ourselves.

I am confident we will meet that test. And I am grateful, very grateful, to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us to do so.

Your recommendations at the conclusion of your conference on Friday will receive the most careful consideration by the various agencies to which they will be referred and by the President of the United States, not only because we in this Administration respect your view, but also because we share your concern. We share your concern about our Nation's children, our children. We share your concern that our children should receive the best that America can give them.

Now, ladies and gentlemen, having concluded my formal remarks, I would like to give you a very special invitation and explain the nature of it.

When I learned about this conference, I suggested to your Chairman, Steve Hess, that Mrs. Nixon and I would like to receive all of the delegates to the conference at the White House. He said, "There are 4,000."

I checked with our staff to see whether that would be possible, and they figured out that based on an experience over the past two years of moving receiving lines as fast as we possibly could, it would take six hours and 18 minutes to get 4,000 people through the line.

I said we couldn't do that because I thought the people at the end of the line might get tired by the end of six hours and 18 minutes.

But I do think you should know that tomorrow the Christmas decorations at the White House will be completed. Those who have seen them think they are the most beautiful they have seen.

We have various nights blocked out. Monday night is the Congress; Tuesday night is the Congress; Thursday night is the diplomatic children, and so forth.

But Wednesday night belongs to you.

We have arranged for a special tour. Mr. Hess and his staff will arrange the buses and all the other various means of transportation that are needed to get you there.

We have arranged a special tour of the White House to see the Christmas lights and we hope that some members of our family can be there at least part of the time to greet some of you.

Thank you very much. We wish you the very best.

THE SEARCH FOR STANDARDS—PRAYER BREAKFAST TALK BY SENATOR THURMOND

Mr. STENNIS. Mr. President, a few days ago the Senator from South Carolina (Mr. THURMOND) gave a timely and inspirational message at a meeting of the Senate Breakfast Group. I think it is well worthy of being placed in the CONGRESSIONAL RECORD, I ask unanimous consent that it be printed in the RECORD.

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

THE SEARCH FOR STANDARDS

(By Senator STROM THURMOND)

Our day can be described in many ways. Of course, how we describe ourselves may not correspond with what others or the future may choose to say about us. Nevertheless, we must look at ourselves and our day, open-eyed. "Know thyself" counseled Socrates. Such knowledge may lead us to that awe in the presence of God which is the beginning of wisdom.

We might say of our age, and rightly so, that it is an Age of Science. We may think of it, as an Age of Plenty. But these descriptions are only partially true, for as yet the great bulk of mankind has known neither plenty nor the advantages of science and technology.

This day might well be called an Age of War, for ours has been a century of unparalleled violence and destruction. Indeed, if things continue as they are in conduct

and thought, the twentieth century may come to be called the Beginning of a Second Dark Age, far more terrible than those Dark Ages which preceded the rise of Medieval civilization.

We might characterize our time as an Age of Perplexity and Fear. Our young people tell us that the continuous threat of a nuclear holocaust has overshadowed their lives and restricted their happiness. They say further that we have polluted the environment with our so-called Age of Science.

In the sense of observance we might also call this period an Age Without Standards. Without standards to tell us where to go, what we do, what we are, what is right, what is wrong. Without standards, we can control and direct neither ourselves nor our national life nor the needs of mankind.

A time in which standards are conspicuous by their absence is a time in which all the great and ennobling virtues of human life are debased. An age without standards is an age in which those who seek to live and to act in the light of conscience and moral concern become veritable heroes. A society, in which those are rare to obey the voice of God in the soul and who heed the moral law within, is a society whose plight is grave indeed. We hear much of the "new morality," but there is also a "new immorality" not much different from the old, whatever it was called, and in its essential attitude fundamentally hostile to the teachings and values of the Judaeo-Christian tradition.

In voicing concern at these developments we must speak directly to the concrete issues of daily life. We must resist the temptation to sermonize or moralize, yet ours is the obligation of careful, critical analysis, that kind of diagnosis of the sickness of modern life which must precede effective healing.

In life there is always a battle against restraints set around our human conduct. That struggle begins with the early days of childhood, and it continues so long as we live. The struggle means at least a recognition that there is an authority, a power, a purpose, seeking to direct our deeds, at times with love, with strength, with judgment, and with punishment, all because of an immediate or final purpose in life to be fulfilled. All our lives we chafe against restraints, parental, social, religious and ethical.

Adults battle against laws and principles that would prevent them from obtaining money in ways that harm others, or in ways that render no useful social return. Adults battle codes of conduct that seek to regulate the relations of men and women. They battle against restraints that surround the powers of public office to ensure that they are regarded as a trust. And, finally, adults battle against God Himself at the place where deeds require that we be trustworthy, dependable, and honorable.

In an age without standards, men put themselves at the center of life and acknowledge nothing greater than expedience or immediate impulse. By such teaching, no nation can survive.

The testimony of history is plain that cities and individuals, civilizations and families, which have no standards beyond their own desires eventually go to pieces. In the end, there can be no satisfactory political life, no statecraft, no sound economic life for the nation, apart from the principles of the moral order. Moreover, we cannot break the moral order; we can only break ourselves upon it.

A clue to what ails us is provided from an unexpected source—a study recently published by a distinguished American educator, Professor Urie Bronfenbrenner: ***Two Worlds of Childhood: U.S. and U.S.S.R.***

The author has examined the methods and content of education in America and in the Soviet Union. Without going into his conclusions in great detail, two judgments stand out as characteristic of American life today. First, the "lack of parental involvement" in child-rearing, which he says "lies at the heart of our present malaise." Second, the tedency of parents, therefore, to substitute the giving of material goods, television, cars, and the like, in place of emotional closeness. He attributes "the often amoral or antisocial world in which our children live and grow" to these age-segregating causes.

Here is no preacher in his pulpit, but an avowedly secular social analyst whose conclusions serve to reaffirm the Bibical injunctions to parents to "train up a child in the way he should go, and when he is old he will not depart from it." (Proverbs 22:6) If parents themselves are without standards, how can they teach them to their children?

The decline of respect for the *Bible* and its authority has *many* causes. One of the chief ones, in my opinion, is the teaching currently taking place at our colleges and universities.

The first real tests in life often come for men and women when they go away from the home to begin their college education. Instead of being fortified with standards by the colleges and universities, it appears what standards the youngsters may bring with them are being destroyed.

Many of the professors in the academic world today are liberals in theology as well as liberals in politics. Many have never had to go out and earn a living in our economic system but have remained cloistered in an intellectual environment from undergraduate work on through their Masters and Ph. D. work.

One of the theories is called the higher critical approach to the Bible. This simply means that the Bible is not the *inspired* word of God. Thus students, under such influence, soon learn to discount the Bible as an authoritative book containing God's revelation and God's law for mankind. Such students soon become disciples of the new morality. Since they have no divine Lawgiver to obey, they adopt and act upon the lawless spirit of the irresponsible activist. Free love, LSD trips and assaults on the establishment follow.

Another theory taught in our high institutions is the counterpart of the one I have just mentioned. It is the theory of absolute evolution. It is aggressively expounded in the academic world and I doubt a professor could remain on the faculty of some colleges very long if he rejected this theory in favor of the Genesis account of man's origin.

Absolute evolution denies the divine origin of man. It makes man a mere animal without an immortal soul. The ultimate of this teaching is that man will act like an animal. And it is this kind of behavior we are witnessing today.

No society can long exist when God's revelation through the Bible is rejected and when man is held to being nothing more than an animal.

The condition in which we find ourselves today is not without precedent in history. At one level, we can discern disturbing parallels with the greatest political and cultural entity in the history of the West, the Empire of Ancient Rome.

Historical analogies must always be viewed with caution, given the uniqueness of human life. And yet, in light of the abiding continuities which mark human experience through the ages, we ignore the lessons of history at our peril.

Dr. Robert Strausz-Hupe, the noted director of the Foreign Policy Institute at the University of Pennsylvania, has cited a number of parallels between Imperial Rome in the third century of the Christian era and present-day America; crushing taxation, creeping inflation, violence in city and in town, the collapse of lawful authority and civil order. To these we must add that loss of faith which undermined the traditional morality of the old Romans, deprived life of any meaning, and paved the way for the rise of Christianity.

A scholar has called attention to the decay of the Roman soul in the words carved on a tombstone—"Non fui, Fui, Non Sum"—"I was not, I was, I am not." Here we have a vision of life as coming from nothingness and returning to the void—A concept of life bereft of standards and utterly alien to the faith which moves majestically through the pages of the Old and New Testament. In the Old Testament in I John 3:24 we have these words: "He that keepeth His commandments dwelleth in Him" and in the New Testament in Luke 10:28 this admonition: "This do and thou shalt live."

Curiously enough, at this very time millions of our people are viewing a modern Italian film version of the *Satyricon of Petronius*, a work described by one critic as "a picture of decadence and obscene overindulgence (in Rome in the days of Nero) . . . remarkable for its modern tone . . . .' Remarkable, indeed! Do those who see the *Satyricon* of Fellini also discern a disturbing relevance in what it tells us of *modern* America as well as of *Ancient* Rome?

It has been said that we are living today in a time that is a pre-Ten Commandment era, comparable ethically to the earliest days of the Old Testament. Perhaps the greatest contribution of the Bible in such a time is its clear and unmistakable assertion of the inseparable character of religion and morality.

We often hear how men have outgrown the Ten Commandments; in truth, we have not yet grown up to them, dealing as they do with man's relation to God, to his fellowman, and to society. They define and express a part of that basic moral universe which came into being with the mighty words of Genesis: "Let there be light." They are as firmly imbedded in life as the laws of chemistry or physics, and apart from them society will surely disintegrate into violence, unreason and chaos.

The heaviest responsibility resting on any group in this Age Without Standards rests on those of us who are members of religious communities, for we know that human conduct must take root in religious experience and belief. We see all of life in a religious context for we know that life comes as a gift from the hand of God. Inevitably this fact gives us the standard for our conduct and our deeds: Does this that I would do betray a trust? The trust of another person? The trust of public office? The trust of personal responsibility in business or in a profession? The trust of the gift of life itself?

If we are living in an Age Without Standards, we need to have standards, standards that are God's for they alone will be adequate. But they must be embodied first in individuals before they will ever be able to direct society. We are those individuals, and ours is the task, symbolized by our gathering in the fellowship of prayer here today, to nourish and strengthen the life of the spirit that we may open our lives to its healing, saving power.

In this and in similar groups across the land we can discern some promise of renewal for our nation in these troubled times.

In closing, I would like to quote from Psalm 24: 3–5:

"O Lord, who shall sojourn in thy tent?
Who shall dwell on thy holy hill?
He who walks blamelessly, and does what is right,
And speaks truth from his heart;
He who does these things shall never be moved."

THE PRESIDENT'S PROGRAM IS WORKING

Mr. HANSEN. Mr. President, as one who supports President Nixon's policies

in Indochina and his Vietnamization program in an effort to honorably end that seemingly endless conflict, I am gratified to read an encouraging report by a real expert on Asian matters.

Sir Robert Thompson, a Britisher who played a major role in saving British Malaya from the fate intended for South Vietnam, says that developments in that country are now taking a very encouraging trend and that he is optimistic about the future.

A recent New York Times article quoted Washington officials as saying that Thompson's report to President Nixon concluded that U.S. allied efforts had failed to destroy the Communist subversive apparatus in South Vietnam.

But in a telephone interview with an Associated Press writer, Thompson, who is an adviser to President Nixon on Vietnam, gave a considerably different version of his report to the President and said that the situation at the end of this year, as compared with the same time last year, shows a good, steady improvement.

Mr. President, I ask unanimous consent that the article, published in the Washington Evening Star of December 14 be printed in the RECORD.

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

VIET POLICY UNASSAILABLE, ADVISER TOLD PRESIDENT

LONDON.—Sir Robert Thompson, British adviser to President Nixon on Vietnam, said today the U.S. Vietnamization and purification policies are "unassailable" by the enemy.

Thompson, an expert in guerrilla warfare who played a major role in driving Communist terrorists out of British Malaya 20 years ago, said he reported this to Nixon in October.

Sir Robert, in a telephone interview from his home in the west of England county of Somerset, said: "I reported to the President that the policies of Vietnamization and purification were now unassailable by the enemy."

Thompson declined to give further details regarding his last meeting with Nixon in October, but he went on: "I am optimistic about the future. When I look back over the last two years I find that developments are now taking a very encouraging trend."

"The situation at the end of this year as compared with the same time last year shows a good, steady improvement," he said.

The New York Times on Dec. 2 quoted Washington officials as saying Thompson's report to Nixon concluded that U.S. and allied efforts had failed to destroy the Communist subversive apparatus in South Vietnam.

Thompson declined to deal specifically with the claim but he said, "It is only natural that President Nixon should come under pressure over the conduct of the war. It's not just a matter of hawks and doves—and, incidentally, I don't like these terms—but there are many views on how this problem should be dealt with."

Thompson said he saw no reason why the present U.S. policy of Vietnamizing the war by pulling out more American troops should not continue according to schedule.

"I believe the target for next May is for the force to be reduced to 280,000 men," he said. "I think we should be able to reach this figure without any difficulty."

Thompson said he foresaw the Vietnam war fading to the point when it would become containable.

"Help from Communist China and the Soviet Union is crucial," he said. "If this help stopped coming then North Vietnam and the whole Communist effort would collapse. The Soviet Union might conceivably withdraw its support but I cannot see China doing this."

FUTURE ROLE OF THE MANNED BOMBER

Mr. GOLDWATER. Mr. President, during our continuing discussions of the Nation's defense needs in today's world, many questions are raised about the future role of the manned bomber.

The most advanced strategic plane in this category is the B–1, which North American Rockwell, Los Angeles Division, is working on for the U.S. Air Force.

North American's publication "Skyline" recently devoted a major portion of its space to an interview with Air Force Secretary Robert C. Seamans.

I ask unanimous consent that the interview, entitled "B–1, a National Need," be printed in the RECORD.

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

B–1, A NATIONAL NEED

EDITOR'S NOTE.—Last June the Air Force announced that North American Rockwell's Los Angeles Division had been selected as the prime airframe contractor for engineering development of the B–1 Advanced Strategic Bomber. Designed to replace the aging B–52 bomber in the nation's defense inventory, B–1 will have the ability to shift and adapt range, altitude, speed and payload for a variety of missions and operational tactics. It will, for instance, be able to fly at high subsonic speeds at low altitudes, and at supersonic speeds at high altitudes. It will be specifically designed to penetrate enemy defense, and will be smaller and lighter than the B–52, but will have a greater payload carrying capability. Thus it will be able to operate from a wide variety of locations now impossible for the B–52.

(To learn exactly how B–1 will fit into the national defense philosophy, Skyline interviewed the Honorable Dr. Robert C. Seamans, Secretary of the U.S. Air Force. Dr. Seamans' aeronautics activities span three decades. Prior to his present appointment, in February 1969, he was the Jerome Clarke Hunsaker Professor at the Massachusetts Institute of Technology's Department of Aeronautics and Astronautics. Earlier, he served as deputy administrator of the National Aeronautics and Space Administration.)

With the continuing war in Southeast Asia, and such demanding problems at home as environmental pollution, urban decay, poverty and unemployment—how can we justify allocating funds for development of yet another new weapons system?

There is a greater awareness of domestic needs in this country today than ever before. This had led to heavy pressure on federal efforts to meet these needs. At the same time there is a budget problem. Our resources are limited.

It goes without saying that to do the things we are talking about in this country, it's not an "either/or" proposition. We've got to do them all. But if we're not secure in our national defense, and other nations bring us to heel, all these other programs, however well intentioned, will go out the window.

Conversely, if we have the best military posture in the world, and other needed, high-priority programs suffer at the expense of this, then we've lost in another way.

President Nixon has said, "there is an irreducible minimum of essential military security; for if we are less strong than necessary, and if the worst happens, there will be no domestic society to look after." What is the threat to our well being?

We must study as best we can the capabilities of potential enemies—not as a scare tactic, not to produce a panic reaction—but because the capabilities of potential enemies are, after all, the true measure of the forces we really need.

This is a very complex issue. One has to say the Soviet ballistic missile force is increasing in numbers. Their submarine capability, with sea-launched missiles, is also increasing. In fact, in total land and sea-based missile payload, the Soviets have more than a two to one advantage.

In aircraft, they have a new swing-wing bomber prototype, and they turn out about one new fighter design each year. And there has been no phasing out of their current bomber force. While we retain a lead in heavy bombers, we do not in total heavy and medium bombers. In fact, our strategic bomber force has been cut drastically in recent years. We have phased out the entire B–58 force sooner than previously planned, and our buy of the FB–111 has been sharply reduced.

The Soviets are also working hard on air and missile defense systems. They have already deployed an ABM system on a limited scale and have in operation thousands of anti-aircraft misile launchers. They also maintain some 3,000 interceptor aircraft.

The ultimate danger in all this is that some group of future Soviet leaders might believe they have a first-strike force capable of destroying or disrupting so many of our retaliatory weapons that their defenses could take care of the remainder. Should that point be reached, the danger of an attack or of nuclear blackmail would be serious indeed.

How, then, can the United States best avert such a possibility?

We come to a very basic idea: The best way to prevent nuclear war is to ensure that there is no doubt at all in anyone's mind about our capability to withstand an attack and still strike back effectively. We predicate our policy on a second strike or retaliatory capability. This must be credible to anyone who would threaten to attack.

The principal task of the Air Force is, of course, national defense. As President Nixon has said, "So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations."

In essence, we do not prepare to carry on a war of revenge or of conquest, but we must be strong enough to deter anyone else from starting a war.

Some people argue that it doesn't make sense to worry about what happens after our own country has already been largely destroyed. They miss the point. If our weapons can survive to retaliate, then it is not likely that we would be attacked, and there would be no destruction.

We must make certain that an attack on the United States would be a very unprofitable business.

How can we best maintain our strength, and how, in an era of missiles and rockets that can cross continents in minutes, does a manned bomber fit in?

The Air Force believes it is important to maintain national defense with a balanced mixture of three strategic force elements—bombers, land-based missiles and sea-based missiles.

Analysis has shown that to maintain an assured destruction capability, a combination of bombers and missiles has definite advantages over either an all-bomber or an all-missile force. This way, the enemy must program his resources to counter both missiles and aircraft. By dividing his efforts, he cannot concentrate on any one system. He is thus less likely to neutralize even one of our strategic force elements, let alone all

three. Further, this complicates his defense problems considerably and requires commitment of far more resources.

What effect would it have to strip manned bombers from our deterrent forces?

Obviously, we would have to put much greater reliance on missiles. In my view, we'd have less flexibility and fewer options to consider in response to an enemy threat.

A few years ago, when intercontinental ballistic missiles were first becoming operational, it was then thought to be impossible to defend against them. But with systems like ABM, this has changed, actually enhancing rather than reducing the strategic role of manned aircraft.

There are other advantages of maintaining advanced aircraft in the defensive inventory. For instance, you can have a show of strength with bombers without threatening a cataclysmic event—as you would with missiles. You can always control manned aircraft. You can pull them back.

Another point. We're not always so smart that we can see all the exact uses we will put our forces to. No one foresaw the extensive use of the B–52 and of flying tankers in Southeast Asia—for tactical as well as strategic uses.

Why is there need for a new bomber—B–1?

Modernization of our forces is essential if we are to continue to portray a credible deterrent to the enemy. Planes do wear out. The B–52 has been the backbone of our bomber system for more than a decade. The prototype B–52 was based on technology of the late 1940s, and first flew in 1952. The latest models were built in 1962.

Since the early days of World War II, American forces have never had to fight in the face of enemy air superiority. The Air Force is proud of that record, for it has been a vital factor in dissuading would-be aggressors, and defeating those whose ambitions ran away with their judgment. We believe our pilots are the best, but skill and determination can go only so far to compensate for inferior equipment.

Eventually, technology changes so much that either potential new developments cannot be incorporated into old aircraft, or it is simply not economical to do so. Then it makes sense to produce a modern aircraft that can handle the threat and will have growth potential for future developments.

There are several specific points the Air Force believes dictate against continuous modification of the present force of bombers. The latest model B–52—the "H" model—represents about the maximum growth attainable within the constraints of the basic design. Development of any new bomber aircraft requires about eight years. By the time the Air Force could have a significant operational number of B–1s in the inventory, the B–52 will be 17 to 20 years old.

Also, if a major structure fatigue in the B–52 were detected, it could be too late to produce a timely replacement aircraft. The problem is compounded by large uncertainties in the magnitude of cost required to keep the old system viable. We have already invested $2.5 billion in B–52 update costs through fiscal 1969.

Finally, while the effectiveness of the B–52 can be upgraded by equipping the current force with the latest weapons and systems, it would be unduly expensive to make the plane faster, carry more payload, fly lower, or have a smaller radar cross-section.

Why can't the FB–111 be used as a replacement?

It was developed from the F–111 design only as an interim aircraft to replace the B–52C through F models as they neared the end of life expectancy. As a strategic bomber, the FB–111 design has definite limitations—limited payload capacity, avionics capabilities, low altitude restrictions—and it requires greater tanker support than the B–52 or B–1.

What's to keep B–1 from becoming obsolete even before it can be ready for active duty?

This aircraft is being designed to take advantage of the many technical advances made during the past decade. Compared to the B–51, the B–1 will have a higher penetration speed, reduced radar cross-section, larger payload capacity, a better capability to penetrate at lower altitudes, quicker reaction launch, and the characteristics necessary to operate from austere dispersal bases. Moreover, better electronic countermeasures, target-finding systems, and weapon delivery systems will further improve the ability of the B–1 to deal with enemy targets in all types of wars, both nuclear and non-nuclear.

There is also a built-in growth factor, whereby we are making allowances for incorporating further advances as they are made.

Does this not pose the threat of large cost overruns?

First, let me emphasize that B–1 is a development, design and test program at this time, and we will make no commitment on production until we know how the plane will perform and can evaluate it. We will want to know how much it will cost in production. This is an extremely important factor.

We need to continue to strive for better systems management, and we are making strenuous efforts to establish cost and technical realism. We are also reducing the reliance placed on paper studies alone. While you can learn a great deal from computer runs and sophisticated analysis, you can't really predict performance or advance the state of the art until you begin to bend metal, so we are relying much more than in the past on prototyping.

As you know, the B–1 contract calls for North American Rockwell to proceed with only the engineering and design effort, including the fabrication of five flight test aircraft plus one static test airframe and one fatigue test airframe, to be used in development testing.

We will keep a close watch on progress as B–1 moves through development. For each system we will select a series of important, measurable, technical events—such as the B–1's first flight—which we call "milestones." At every milestone we can verify progress before committing additional resources. Our final commitment to proceed with production then becomes a function of demonstrated technical accomplishment.

Our controls, approaches and procedures on B–1 will be only as good as the people who implement them, however. So we are stressing the assignment of highest quality people for our program management teams, and increasing their tenure in the job. We want to give our people a specific, manageable job to do; a streamlined, effective system within which to operate; and the authority to work effectively.

I might add I cannot recall when we have been able to enter a program in a better position technically. Six years of hard preparatory work preceded the awarding of the B–1 contract.

Still, we know there will always be some changes. Dynamic technology and variations in national policy make them inevitable.

We will not therefore go ahead with B–1 production until test aircraft have flown successfully. At that point we should have eliminated most of the development risks and should have a clear picture of those that remain. As a result, it should be possible to minimize costly changes after production has begun.

Additionally, it will be quite some time, perhaps several years, before we reach that decision deadline. At that time we will reassess the world situation and its relationship then to the B–1 program.

Any final thoughts?

I'd like to get back to a point I made earlier, about national priorities. All of us today are concerned about the many serious internal needs which face our country. There is the critical task of improving the quality of our lives in terms of health, housing, education and crime prevention. And there is much to be done in the newly recognized area of preserving and controlling our environment, as well as the more traditional tasks of providing basic resources such as food and minerals for an increasing population.

We also have our national defense commitments. We in the Air Force do not want to be alarmists, nor do we lack confidence. We only want to face the facts. Our strategic programs must be viewed against the background of rapidly growing enemy capabilities.

For all these programs—defense and domestic—we have limited financial resources. Yet, we've got to do *all* these things. I believe we have the capability in our country to do much more without overdrawing these resources. We must make these programs attractive enough to motivate people to do more. Our land has the greatest potential in the world. It's time we lived up to it.

REMOVE RESTRAINTS ON OIL INDUSTRY

Mr. PROXMIRE. I noted that the distinguished Senators, the gentleman from Wyoming (Mr. HANSEN), the gentleman from Texas (Mr. TOWER), and the gentleman from Kansas (Mr. DOLE) have criticized President Nixon for his recent actions in exempting oil and gas production in the Federal offshore lands from State market demand proration and permitting imports of oil from Canada to be slightly increased.

The Senators stated:

> We question the advisability and equity of selecting one industry from the overall economy and subjecting it to restraints by Government for the purpose of controlling the prices of that single industry.

I could not agree more with their contention that no industry in our economy should be subject to restraint by the Government for the purpose of controlling the prices of that single industry. The oil industry has, as the Senators know, been subject to a number of restraints by the Government which have the purpose and effect of controlling the prices of that industry—in particular, oil import controls and State market proration controls.

I hope, therefore, that the Senators would join me in removing all of these restraints imposed by the Government. If the Senators agree that we should not single out any industry for special treatment and remove restraints, then I cannot quite understand their criticism of the President's action—for that is exactly what he is doing, removing Government restraints.

I hope they will join me in eliminating these restraints so that once again the oil industry can enjoy the fresh breeze of competition and the stimulation of free enterprise.

PRISONERS OF WAR—ANOTHER PROPOSAL

Mr. HANSEN. Mr. President, the radio this morning announced yet another proposal from Hanoi, and I hope our friends in France will pardon me for plagiarizing one of their well-known quotations to apply to it: "The more it

changes the more it is the same thing." There is, however, one thing that should be noticed: Hanoi has for the first time made the prisoner-of-war issue one of the primary factors in her cease-fire proposal. This is, at least, a hopeful sign.

When will Hanoi learn that the surest way to earn a modicum of respect in the cynical game it is playing is to carry out the commitment it made when it signed the Geneva Convention? It promised among other things, to treat prisoners of war in accordance with certain rules. The most basic of these specifies that the names of all prisoners and their condition shall be made known to the other side.

Hanoi's position in the negotiations would be immeasurably strengthened by the simple expedient of publishing all the names and permitting the International Red Cross to contact the prisoners.

THE 60TH ANNIVERSARY OF CARNATION FARMS

Mr. JACKSON. Mr. President, I invite the attention of Senators to the 60th anniversary of the establishment of Carnation Milk Farms, one of the best known agricultural institutions in the world.

Located in the Snoqualmie River Valley just a few miles east of Seattle, Wash., the farms have become a major source of superior dairy stock and innovation for the dairy industry. Benefits to the consumer and the dairyman have accrued not only in the United States but internationally as well, as a result of the research conducted at this facility.

Carnation Farms was purchased by Elbridge Amos Stuart in 1910, and has grown from a wilderness farm of 360 acres to an intensively managed scientifically based research facility encompassing 1,150 acres. Operations have been expanded from the original intent of improving the breed of dairy cattle to include development of beef breeding stock as well as extensive research into the nutritional needs of livestock, poultry, pets, and other small animals. Dairy cattle from Carnation Farms have been exported to many other countries to be used in the building of quality domestic herds and increasing dairy production.

Carnation Farms actively supports agricultural education by hosting groups of 4–H Club members, Future Farmers, county agricultural agents and other groups who are interested in agriculture. The farm is also open to the general public with thousands of visitors each year enjoying guided tours of the research facilities and carefully landscaped lawns and gardens.

The farm has proven to be an asset to worldwide industry and the people of Washington State. I wish to extend my congratulations to Carnation Farms for its 60 years of service to the industry and the public.

RESEARCH, THE ENVIRONMENT, AND THE SST

Mr. GOLDWATER. Mr. President, from the charges and claims of the opponents of the SST, an uniformed observer might get the impression that the Government had paid no attention to jet noise and combustion research before the present controversy arose.

Actually, research of this nature has been coordinated within NASA, DOD, and the FAA for several years.

Current heightened public concern over the environment has spurred increased activity and in fiscal years 1972 through 1974 these agencies plan to conduct a $26.7 million program of environmental research on noise, radiation, and weather modification. Much of this research will relate directly to the SST. Included in this program plan is ESSA's proposed 5-year $20 million weather and climate study program designed to determine whether aviation activities, including the SST, might change the weather or climate.

An Environmental Advisory Committee of eight national known experts has been appointed under the chairmanship of Dr. Myron Tribus, formerly Assistant Secretary for Science and Technology, Department of Commerce. This committee will advise the Director, SST development programs on environmental effects of the SST and will recommend appropriate research. The members are:

Dr. Myron Tribus, formerly Assistant Secretary for Science and Technology, Department of Commerce; now vice president of Xerox.

Dr. Lester Machta, Director, Air Resources Laboratory, ESSA.

Dr. H. J. Mastenbrook, atmospheric physicist, U.S. Navy Research Laboratory.

Mr. George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress.

Dr. Harold Rossi, professor of radiology physics, Columbia University, and Chairman of FAA Committee on Radiobiology Aspects of the SST.

Dr. Paul Tompkin, chairman, Federal Radiation Council.

Dr. Robert White, Administrator, ESSA.

Dr. S. J. Gerathewohl, Chief, Research Planning Branch, Office of Aviation Medicine, FAA.

In addition, this committee draws upon the expertise of the non-Government Commerce Technical Advisory Board—CTAB—Study Panel.

A Noise Advisory Committee of 14 nationally recognized experts in and out of government has been appointed to advise the SST Office on needed noise research and to offer guidance. The members are:

Dr. Leo Beranek, general manager, Professional Services, and chief scientist, Bolt, Beranek, & Newman, Inc.

Mr. Frank H. Kolk, vice president, development engineering, American Airlines.

Mr. Kenneth Eldred, vice president and technical director, Wyle Laboratories.

Mr. Harvey H. Hubbard, Director, Acoustics Branch, NASA Langley Research Center.

Dr. John O. Powers, Director, Office of Noise Abatement, FAA.

Mr. George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress.

Mr. Daniel R. Flynn, Executive Secretary, Noise Abatement Panel, Department of Commerce.

Dr. Raymond A. Bauer, Harvard Business School.

Dr. Jack L. Kerrebrock, MIT.

Mr. Aubert L. McPiler, McDonnell-Douglas.

Mr. Clifton A. Moore, LAX Department of Airports.

Mr. Newell D. Sanders, NASA Lewis Research Center.

Mr. Charles R. Foster, Department of Transportation.

Dr. Henning E. von Gierke, Wright-Patterson Air Force Base.

ARTICLES IV AND V OF GENOCIDE CONVENTION ARE IMPORTANT FOR UNDERSTANDING TREATY

Mr. PROXMIRE. Mr. President, during the past few days I have been summarizing the individual articles of the Genocide Convention. This convention was recently reported to the floor of the Senate by an overwhelming majority of the Senate Foreign Relations Committee.

Today, as part of this survey I would like to direct the attention of the Senate to articles IV and V of the United Nations Convention on Genocide.

Article IV states that any one committing genocide or a related crime as enumerated in article III will be punished. The related crimes mentioned in article III include, "Genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and, finally, complicity in genocide.

However, the most important point in article IV is not that individuals will be punished, but that the article specifically states that all individuals will be punished "whether they are constitutionally responsible rulers, public officials, or private citizens." Obviously, article IV is emphasizing that no individual, regardless of position or office, can escape personal responsibility for commiting such a horrible crime against man. In my opinion this is one of the most important features of this entire convention.

Article V says that states who ratify this convention must enact legislation to effect nationally the intent of this international treaty. This national legislation must include "effective penalties" for the crime of genocide and related incidents as listed in article III.

Both of these articles are designed to insure that anyone convicted of genocide will be punished. The actual type and length of punishment is left to the state to make a final determination.

From this brief survey it is clear that the intent and effect of this treaty is to direct as well as apply international pressure on the individual nations to enact legislation outlawing genocide. This does not in any way restrict a citizen or state of its individual rights or guarantees.

Mr. President, the time has come for the Senate to act on this convention. We cannot afford any more delay. I urge favorable action on the treaty in the very near future.

ADDRESS BY EDMOND J. LEONARD BEFORE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF HANDICAPPED

Mr. STEVENS. Mr. President, recently, Edmond J. Leonard, director of information for the Florida Paraplegic Association, addressed the President's Committee on Employment of the Handicapped.

My predecessor, the late Senator E. L. "Bob" Bartlett, was the author of Federal legislation which dictates that Federal grants cannot be used for facilities which were not accessible to the handicapped.

Mr. Leonard, in his very thoughtful remarks, pointed out that we are rapidly approaching a crisis as to how we, as a Nation, will deal with our physically handicapped citizens.

Mr. Leonard's remarks should be of interest to all of us. I ask unanimous consent that they be printed in the RECORD.

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

REMARKS OF EDMOND J. LEONARD, DIRECTOR OF INFORMATION, THE FLORIDA PARAPLEGIC ASSOCIATION, MIAMI BEACH, FLA., DECEMBER 5, 1970

In my modest travels around the country I find a growing queston about the validity of the idea of an after-dinner speech. The speaker is never sure whether he should try to be informative or amusing. And the audience, invariably, ends up being bemused at his capacity to deliver on either score.

I propose to meet this dilemma squarely this evening, and in a manner contrary, frankly, to the dictates of my personal instinct. But I cannot resist this chance to talk seriously with you about a matter I consider very high on the agenda of personal concern . . . a matter, let me assure you, I would like to see higher on the agenda of *public* concern.

You might call this a farewell address. This is not to say that I propose to change my mode or station of life, but I may have few opportunities remaining to talk to a group such as yours.

We are hearing nowadays from vociferous groups who picket against manufacturers of products such as alligator handbags and leopard-skin coats. They plead that we are exhausting the world's population of such species.

I propose to raise one feeble voice tonight in support of another endangered species—you the handicapped. You are in danger of becoming extinct . . . a vanishing breed . . . a lost colony. You may disappear from our streets, from even our cities.

Not that there is a callous movement afoot to exterminate you. I mean that your presence may be segregated from our world, so that the odds grow increasingly slim that our paths will cross with any frequency. You may be isolated from the mainstream of the community as I know it, and segregated from the daily activities that I consider my usual rounds. And all because you use a wheelchair as an incidental adjunct to your lifestyle.

You see, there are forces abroad—and they seem to me to be growing in intensity—which say that because you use a wheelchair you should have separate and segregated housing; you should use a specialized transporation system rather than public transit; you should have an isolated little area within a public park where you can wheel around with only other wheelchairs permitted; you should not travel on our airlines because you might get in our way if we have an emergency evacuation; you should have separate schools because you can't run and and jump in the play-yards; in fact, these voices are beginning to say, perhaps you ought to live in your own city, with your own kind, and pay your rent and be content in that segregated existence because the design of this world is too much for you to contend with.

All around us today we listen wearily to prophets of ecology, telling us that the world's population will cough or choke to death in our polluted atmosphere in another hundred years. We are told that or farms will be pastures of poison, that our streams will be slimey pits of impossible penetration, devoid of fish, algae, and even water.

But the Nation is up in arms to prevent such disruption in our environment. We are committed, however belatedly, to undoing our wrongs and making this environment a safe, comfortable and healthy medium for all of us to live out our lives in comparative ease, enjoying the environment God created for us.

One thing can be said for Man: he not only messed up God's envronment; he did a pretty thoughtless job on the environment he designed himself—our cityscapes, our buildings, our transportation facilities; our recreation areas, our housing.

He apparently became so enamored with the act of creation that he forgot his own mortal nature. His design of buildings, houses, cities and transit facilities is more suited to a perfect being than it is to man. For like it or not, it is man's nature to span the whole range of capabilities and to experience all manner of limitations in the period between the cradle and the grave. Handicapped persons and elderly persons are merely obvious manifestations of the imperfectibility of mankind.

Yet, if we look about our designed world, we see that no recognition was ever granted to the evidence of imperfectibility in our midst.

To cover up this gross mistake, there are forces today that would sweep under the rug those who are misfits in our community environment. If you cannot use our buses and trains, they say, ride your own. If you can't get into our housing projects, build your own. If you can't cope with our world, inhabit your own.

What are these nameless forces? They represent the philosophy of the general manager of a large urban transit system now under construction in a major city. In his report to the directors concerning his reluctance to make the system accessible to persons who use wheelchairs he reasons this way:

"While it may be the function of this Authority to provide public transportation to the community, it does not necessarily follow that it must be provided to all persons by the same mode . . . Perhaps a special system, serving the user at the same fare, could be provided at far less cost and at the same time assure far better transportation."

During discussions at this board meeting, which was open to the public, one of the directors asked what provisions were being made in other cities where mass transit systems were under construction. A tape recorder, hidden under a wheelchair, picked up the manager's reply.

At a recent meeting of the industry, he said, a Mr. Patterson from Toronto was asked the question, "Had they made any special accommodations for the handicapped?" Mr. Patterson said none, and none was intended. The tape recorder continued: "Mr. Robbins of London made an eloquent rejoinder—that it was dangerous for those who ordinarily use the system, as well as dangerous for the handicapped to place them in the environment of the subway operation. And he defended the industry itself on the grounds that the problems of the subway are different than the responsibilities of other agencies of government."

This is the regressive philosophy that will serve to isolate you from the rest of the community. Despite the passage of Federal legislation which dictates that Federal grants cannot be used for facilities which are not accessible to the handicapped, there are still Neanderthal minds that try to waiver their position beyond the spirit and letter of the law.

Just a few days ago the Nation's newspapers carried the announcement of some architectural awards presented to designers of low-cost housing. This is a very commendable thing, as certainly low-cost housing should not reflect barren architectural design. However, the newspaper account indicated that the jury heaped much praise upon the "piggy-back principle" of design, whereby a duplex apartment is placed for economy reasons on top of a one-story apartment design to make a four-bedroom unit.

The newspaper went on to say that the jury urged new ground rules to allow higher stair climbs so as to make more such combinations possible. To place two double maisonettes on top of a one-story garden apartment, for instance, would require climbing 36 feet to the bottom floor, which the jury considered "quite reasonable in a healthy society."

The irony of all this, of course, is that the low-cost housing units in the inner cities are the spawning grounds for disability. There is an obvious higher incidence of disability among the poor, and the sponsors of the award should know this. Besides the American Institute of Architects, you might like to know that one of the co-sponsors is the National Urban Coalition.

Up near Tallahassee not very long ago, the Forest Service dedicated its Trout Pond Recreation Area. Happily, it has all the accommodations necessary for the comfort of the handicapped—perhaps too much, in fact, since I'm sure the handicapped never asked for many of the luxuries provided. Incongruously, one columnist I read waxed poetic in his opening paragraphs:

"It's the plumbing that sticks in your mind," he said, "even longer than the natural beauty of the spot, after you visit the unique camp-ground for the handicapped in Apalachicola National Forest. A man in a wheelchair can go to the bathroom privately, and with no help."

While his statement deserves no further comment in this civilized year of 1970, the factual account in the newspapers of this haven for the handicapped do require that we take a serious look at our goals. This recreation area is reserved exclusively for the handicapped, with prior reservations necessary. We should all rebel at this sort of policy—the able-bodied because I understand the facilities in this camp are extremely pleasant, and the handicapped because they are really being shut in, under the pretense that the able-bodied are being shut out.

We should all take a look at our goals and all look to our own conscience. A glaring act of repellence against the handicapped came to our attention two years ago when a group of war-wounded veterans in wheelchairs wanted to hold their annual convention in a certain western city known for its neon-brilliant gaiety and its gambling tables. The hotel association bluntly told the convention planners that they did not wish to see wheelchairs cluttering up the hotel lobbies.

Much to the credit of your neighbors, I am happy to report that Miami Beach willingly and graciously consented to act as host to this distinguished group of young men. Would you believe, however, that the convention very nearly had to be canceled at the last minute? A prominent airline, which has the very lucrative franchise to the Miami International Airport, refused to carry these veterans. Only a frantic and panicky meeting at the highest levels permitted the

convention to go forward as scheduled, with the airline magnanimously lifting for a temporary 10-day period its strict rule against the carriage of passengers in wheelchairs.

These forces in our society, however benevolent, which anticipates the target year 1984 that George Orwell circled, need to shape a more constructive and human solution.

Otherwise, where will they take you?

Some years ago John Gunther included among his writings an account of his travels through five Russian provinces. He wrote this about Tashkent, capital of Ubekistan:

"The most startling thing in Tashkent, as well as in several other Central Asian towns is the astonishing number of amputees. Within moments of arrival, along the streets and in the markets, we saw cripples hobbling. Some begged, some sold pencils and shoestrings.

"At first I thought that these unfortunates might have been shipped down there because the climate is salubrious. I should have known better. A few years ago, Communist authorities decided to clean up Moscow, Leningrad, and other great Russian cities of their more obvious disfiguring elements. So tens of thousands of them were simply picked up, coralled, and shipped out to remote places in Central Asia, and there they stay."

Does John Gunther's view inside Russia really appall you? Well, perhaps we have reached that same state here in America. If the Regional Planning Commission in Northeastern Wisconsin has its way, a developer will be selected as early as next year to begin work on a separate community for 2500 handicapped persons. This bucolic paradise on the shores of Shawano Lake has been prettily dubbed "Operation Greensleeves."

Without reasonably designed public transportation, we can hazard the assumption that once these 2500 handicapped persons settle down in their cozy new homes they will never return to the outside world. They won't be able to get beyond the city limits. The outside world, to these bewheeled brothers and sisters, lies up the stairs and through the narrow door—in other words, never-never land. Perhaps this is why the planners are hailing Greensleeves as a "self-contained community."

Several weeks ago the President issued from the Florida White House the report of his Task Force on the Physically Handicapped. In bold language the first major recommendation of the Task Force strongly recommended a Presidential declaration of a National commitment to serve physically handicapped Americans of all ages.

This is the kind of challenge that can lay low the regressive forces which would banish the handicapped to a state of isolation . . . the kind of social philosophy which keeps the handicapped, "Outside Before the Door." These last four words were the title of the photography competition sponsored by the German Federal Working Group for Rehabilitation on the occasion of the 1969 World Congress on Rehabilitation of the Disabled which was held in Dublin. The Federal Republic of Germany has already issued a declaration of policy that no disabled person would in the future stand "outside before the door."

There is no need to wait for Washington to issue a national commitment for the physically handicapped. We can, each one of us, in our own hearts, make this basic affirmation of rights. We can see that there is a sympathetic environment for the enjoyment of these rights. We can, every one of us, accept that Webster was right when he defined "public" in his dictionary.

Public—of, belonging to, or concerning the people as a whole; for the use or benefit of all, as, a *public* building.

Public buildings; *public* transportation; *public* housing; *public* parks. For the use or benefit of all . . . the handicapped included.

In the face of this clear and present danger that threatens your exclusion from the mainstream of our communities, let us all manfully define our terms.

THE $1 TRILLION GROSS NATIONAL PRODUCT—REAL OR ERSATZ?

Mr. BAYH. Mr. President, on Tuesday of this week, President Nixon visited the Department of Commerce to participate in a ceremony. The ceremony was designed to mark the achievement of something unique in the history of the world—the moment when a Nation's estimated gross national product reached the $1 trillion mark. The assembled spectators watched the Commerce Department's new "GNP Clock" record the accumulating millions and then reach the historic statistic.

Mr. President, it is a disconcerting fact that the $1 trillion mark was reached, not through real growth, but rather as a result of inflation. The fact is that if we look at GNP in terms of the purchasing power of the 1958 dollar, we see that it has stagnated in the last 15 months, and real GNP, far from being $1 trillion, is actually $272.5 million short of that figure. As a matter of fact, on the very same day that the President was hailing the $1 trillion as a landmark of progress, actual production was revealed to have declined to the lowest level since 1967.

Whether or not the $1 trillion is real or ersatz, the point that has been overlooked by many, and one that I believe we should not overlook, is that gross national product itself is seriously misleading as a measure of the well-being of this Nation. It is a measure of everything we make and produce. As defined in the Statistical Abstract of the United States, "Gross National Product (GNP) is the total national output of goods and services valued at market prices." The total output.

Does the noise of the urban inferno—the loudspeakers blaring, the jets screaming, the trucks roaring, the air-hammers pounding—make you sick? Does it send you in search of tranquilizers? Well, the source of the noise and the tranquilizers merge into a greater GNP.

Do the children of our land suffer under a plague of narcotics? Well, the production of narcotics is illegal and so yet not included in the GNP, but the cost of increased police and courts and jails do serve to swell this measure of our national enrichment.

All kinds of things flow into this measure of enrichment. Have chemical plants poisoned our waters? The cost of cleaning them up will make for a bigger GNP. Do we worry about contamination of our foods? Well the millions of cans of food called back this week by the Pure Food and Drug Administration are part of the GNP, as will be the cost of digging up river beds and taking the other costly actions indicated to reduce the contamination.

Strange products add to our GNP. Groups of scientists work overtime to produce new weapons, at a time when we have 11,000 nuclear warheads to send against the approximately 156 cities in the U.S.S.R. and the 132 in Red China that are over 100,000 people. Underground testing of still more sophisticated devices of mass destruction adds both to our overkill and to the GNP.

Napalm is part of the GNP. Until recently the production for military use of deadly gas and disease germs was part of GNP. Now the destruction of gas and germs helps to make our GNP grow.

Pornographic books and films are part of GNP. The SST, which some believe to be ecological pornography, is served up as a potential addition to GNP. The process of clearing up and repairing the mechanical and physical remains from the 15,500,000 motor vehicle accidents that occur each year also makes for a larger GNP.

I could go on, Mr. President. But the point is clear. At present, GNP is woefully inadequate as a measure of the quality of life in our American society. Perhaps I can express it in a hypothetical situation. Suppose an unemployed alcoholic were to give up drinking and be content with collecting unemployment compensation. He would not be adding much to GNP. But if he resumed his habit, in the process consuming large amounts of alcohol, he would be contributing more to GNP. Then, let us say, under the influence he steals a car and becomes involved in a serious accident. Immediately, hospitals and police and investigators and lawyers and judges and insurance agents become involved. More additions to GNP. Yet who would say his activities are making the unfortunate individual, or society, more prosperous. Surely there are many real gains reflected in our growing GNP. But equally, GNP can be a measure of social pathology as well as social growth.

A leader who pointed out that while GNP is growing we are declining in the ability of our hospitals to treat us, our schools to educate us, our cities to house us, our public transportation to move us, our total society to give us security and serenity, our environment to nourish us; this would be a leader accepting his moral responsibility to dispel confusion and to teach and to inform. It is, in my estimation, deeply disturbing that President Nixon let this opportunity pass by. He must not lull us to sleep. He must challenge us to solve the problems which confront us.

Let me merely add that when unemployment rates among young Americans reaches 40 percent in some areas; when at least 4.6 million of our fellow citizens seek work but cannot find it; when scientists and engineers who represent a human investment in the hundreds of thousands of dollars cannot find jobs; when only to look about is to see undone work; then a trillion-dollar gross national product, even the fantasy one greeted by the President yesterday, is hardly cause for self-congratulation.

Finally, I suggest that a far better index of the health of our economy is not the mishmash of hollow statistics that comprise the GNP but some measure of whether we are producing as much as we are capable of producing. The stark fact is that as a result of the President's calculated strategy we are now losing $1

billion a week in potential national output. As the economist Otto Eckstein once observed:

When firing on all eight cylinders our economy is a mighty engine of social progress.

I suggest to the President that he direct his energies to getting the engine working and guide it to meet the unmet—dangerously unmet—problems that beset us.

JAPAN'S COMPUTER INDUSTRY

Mr. GOLDWATER. Mr. President, on December 2, during debate on the supersonic transport, I commented that the only major industry in which we were still the world leaders is the aircraft industry, and then I said:

We no longer lead in the manufacturing of computers or radios or televisions. I am talking about an industry in which we lead.

The distinguished Senator from Illinois (Mr. PERCY) rebutted my statement by saying:

I would say that the computer industry is dominated by the Amercan market and every country in the world knows it.

Senator PERCY's statement is correct, if we are talking about large, fast digital computers, but it is not correct for the entire computer market. An article in a recent issue of Forbes magazine states clearly that the Japanese now dominate the calculator business—that is, the small, desk-type computer. Japan also produces the world's smallest, mass-produced, full functioning desk-top calculator, which can be purchased for $495, a cost far below that of most electromechanical machines produced in this country just a few years ago.

Japan is determined to create a powerful computer industry, and every indicator points to a growing success in this endeavor. I ask unanimous consent that the article from Forbes magazine be printed in the RECORD.

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

A YEN FOR BUSINESS MACHINES

Don't look now, but the Japanese dominate the calculator business. And they are moving into dictating machines, copiers, even minicomputers.

What the Chinese did with the abacus in the 6th century B.C., the Japanese are repeating today. That is the Japanese are taking over the world's calculator business.

Today they make roughly half of all calculators sold in the U.S. and perhaps 70% of all those sold in the world. In 1971 the world market could hit $700 million—some 75% above the 1970 total. Japan's dominant position is surprising in itself. For instance, Japan is now exporting more electronic calculators than color televisions. But here is the clincher: The Japanese did not manufacture calculators in mass until 1967.

Such swift and deep penetration of a growth market is cause for real concern among various office equipment companies, including Singer Friden and SCM Corp. The question is: What is to stop the Japanese from controlling any segment of the $2-billion business-machine market ($9 billion, including computers) that they want and are able to enter?

MORE TO COME?

One possible answer comes from Howard K. Lake of Stanford Research Institute: "The Japanese will be the world's prime source of business machines in the Seventies. Calculators are only the beginning. The Japanese are already exporting dictating machines, copiers and even various types of computers."

"The Japanese showed with calculators," says Vice President Herb Bates of Singer Friden, "that if they want a piece of a market, they can get it."

The Japanese used to import electromechanical calculators from the U.S. But they tired of that by the mid-Sixties. The Japanese hate to import, and what's more, their government decided it could develop its own electronic calculator industry and export to the world. So the government began pumping low-cost loans and outright subsidies into its electronics companies. The result: By 1967 the Japanese were poised to crack the $200-million U.S. calculator market.

The odds seemed heavy against the Japanese. The U.S. market was dominated by five large, well-entrenched companies—Singer Friden, SCM, Litton Industries' Monroe division, Victor Comptometer Corp. and Olivetti-Underwood. Although Japan's new electronic machines looked competitive, the U.S. companies figured that the Japanese could never match their own huge 1,000-man sales and service staffs.

But they underestimated the Japanese on all counts. First, the electronic machines (which the U.S. firms were only dabbling with) were not only competitive with electromechanicals—they were faster, quieter, handsomer and cheaper. In short, they were far superior. Second, because the Japanese machines didn't break down often, big service forces weren't critical. And third, the Japanese were able to sell through wholesale dealers and established retailers.

With a superior product under their arms, the distributors' journeymen salesmen knocked the pants off the big companies' men—for a while. Then some top company salesmen quit to join the Japanese. Canon U.S.A., a Japanese sales agent, had only three American salesmen in 1965, today it has 100 in New York City alone. "I am an American," says one turncoat, "and I would like to sell for an American company. But let's face it. The Japanese companies are where the money is."

The available share-of-market figures tell the story. The Japanese supplied $5 million of the $200-million worth of calculators sold here in 1967. According to projections, the Japanese will supply about $220 million of the $400 million U.S market in 1971. Such Japanese companies as Sharp Electronics, Sony U.S.A., Toshiba and Canon, which combined had less than 1% of the 1967 market, now control from 5% to 10% each. Of course, the U.S. companies' figures have fallen. Friden, Monroe, SCM, Victor and Olivetti split more than 90% of the market three years ago. Today, Olivetti is the leader with 15%, but more than 10% of those sales are in electromechanicals which stand a chance of becoming extinct. The other four companies have 10% each and less. And their business is far less profitable, as the typical unit price has dropped to $750 from about $900 since 1968.

Have the American manufacturers thrown in the towel in the low-priced end of the market? Some of them have. Friden and Monroe are phasing out their American-made electromechanical models and are selling Japanese-made electronic calculators under their own brand names. Others, however, are fighting back. SCM has just introduced an electronic calculator for $495 that is proudly American. Victor Comptometer also remains all-American, but in a higher priced range: $700 and up. (Ironically, the low-cost Japanese machines—such as the ones Hitachi makes for Friden—contain integrated circuits purchased from such U.S. companies as Texas Instruments and Fairchild Camera.)

The companies like Friden, who have surrendered the low-end market to the Japanese, try to put a good face on their move. With the Japanese working toward $200 models for consumers, the Americans claim they can now concentrate on expensive programmable calculators, priced from $1,200 to $5,000 and up. The most sophisticated of those models are similar to desk-top computers.

It is almost as though some American companies have moved to the exclusive suburbs to get away from the immigrants invading the old neighborhood. Inevitably, the immigrants will follow. Already Canon and Sony have introduced programmable machines—and at least one company, Fujitsu, has leap-frogged ahead and begun importing some large-scale computers.

Officially, U.S. reaction to the news has been restrained. A spokesmen at Singer Friden says: "I doubt that the Japanese will make impressive inroads. Selling a simple calculator is one thing. But to sell programmable calculators and computers, you really need specialized sales and service forces."

He may be right. But the argument has a depressingly familiar ring.

THE AFL–CIO'S POSITION ON THE TRADE BILL

Mr. HARTKE. Mr. President, the American Federation of Labor and Congress of Industrial Organizations recently prepared a detailed letter on its position on the trade bill. Because this bill will be considered shortly by the Senate and because I know that the position of the AFL–CIO will be of interest to the Members of the Senate, I ask unanimous consent that the letter be inserted in the RECORD at this time.

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

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, D.C., December 9, 1970.

DEAR SENATOR: The AFL–CIO and its 13½ million members historically have been staunch supporters of freer trade. However, we have now come to the realization that the world has changed so dramatically that what is defended as "free trade" is to a great degree no longer free nor trade. Therefore, the AFL–CIO has concluded that a reexamination of our trade policies and legislation is desperately needed to preserve our productive capacity and to save the livelihoods and purchasing power of America's millions of working families.

The AFL–CIO Executive Council recently described the trade bill that has been agreed upon by the Senate Finance Committee as "a step forward toward the modernization of U.S. governmental policies affecting international trade and investment." It is not a perfect measure; it has many flaws. It is, however, much superior to the House-passed bill. And, it is a necessary bill. The problems next year will be far more acute if no action is taken in this Congress.

This bill is probably more important than any other considered in this Congress in terms of jobs and America's productive future. Also, there has been considerable editorial rhetoric on the measure, much of it emotional, much of it inaccurate. Therefore, we spell out in some detail our position on this issue:

1. We support quotas on textile apparel and footwear.

2. We support the so-called trigger clause as rewritten in the Senate bill.

3. We support the provisions which call for an examination of GATT and which give our trade legislation more flexibility.

4. We oppose establishment of DISC, which is out of the Senate bill, but in the House bill.

5. We support retention of the American Selling Price. The Senate measure would keep it, the House bill would end it.

6. We believe the bill is pro-worker. We believe it is not anti-consumer.

7. We believe there will not be a trade war nor retaliation.

Specifically, the bill's quotas on textile, apparel and footwear seek to meet the peril to U.S. jobs and to U.S. production in these industries. Quotas are a stop-gap measure which will allow continued heavy imports of these items while at the same time seeking to stabilize industries and jobs that are threatened with suffocation. There is no reduction in trade, as critics claim. Imports can actually rise. There is no rollback or high tariff wall against imports. This measure only seeks to prevent further distortion of U.S. production capacity with resultant closing of factories and further exporting of our jobs and our industrial capacity abroad.

The requirements for Tariff Commission action under the escape clause are made more realistic, thereby broadening the likelihood of assistance to industries and workers "acutely or severely injured" by rising imports. Present language requires imports to be *the major cause* of harm. As a result, U.S. production of radios, non-electric typewriters, black and white television sets, sewing machines, and many other sophisticated manufacturing processes have been almost wiped out. Industry by industry U.S. production will be overwhelmed and suffocated unless we move to keep our nation's productive capacity and to preserve our citizens' jobs. Every nation we trade with has taken steps to protect itself at home.

We applaud the Senate measure's direction for a study of "the inadequacy of GATT provisions." It is the AFL–CIO's belief that an emphasis on tariffs and tariff-cutting can be irrelevant in world trade at a time when trading nations are engaging in most-favored-nation activities, export subsidies, border taxes, unfair agricultural policies aimed at the United States, restrictive quotas and a broad spectrum of non-tariff barriers. Such a study would reveal the sizable degree to which Japan and the Common Market nations discriminate against the U.S. while threatening us with retaliation if we legislate. The inquiry into multinational firms is also welcome.

We applaud the Senate Committee's action to seek full implementation of the Canadian Auto agreement to bring about the effects of full free trade between the two nations that was spelled out in that agreement. The fact that the Canadians maintain a duty of more than 15% on new cars, while we have no duty whatsoever, demonstrates a total lack of reciprocity that must be overcome.

We support the authority given the President to act against foreign nations which discriminate against U.S. exports. Until now, the executive branch has interpreted this to mean only agricultural products. The change makes it clear that manufactured goods are included and that foreign subsidiaries are included.

The increase in adjustment assistance is, of course, supported. But to increase the aid from 65% to 75% is solely to recognize the rising cost of a worker's economic funeral. The worker and the AFL–CIO want to save jobs, not receive adjustment assistance. Unfortunately, in many instances involving multinational corporations, where entire U.S. factories are moved overseas, the corporation making the move is little interested in the workers left behind, the economic suffering it has caused, the loss of a community's tax base and the increase in unemployment. Adjustment assistance is not the answer.

We support the authority given the President to make agreements or stop imports temporarily with a higher tariff or a quota until an escape clause action can be completed. In today's high-speed world, a product can be developed, manufactured, flown to nations throughout the world and inundate a market in a matter of weeks or months. If no authority is available, we are helpless as a nation to protect our productive capacities.

The AFL–CIO supports the anti-dumping provisions and the countervailing duty provisions that are aimed at speeding up investigations of complaints.

On the other hand, we ask specifically that you oppose any move to include in the bill those provisions relating to the Domestic International Sales Corporation (DISC) or to the American Selling Price (ASP).

The AFL–CIO opposes the creation of DISC. We believe it will not lead to expanded exports but to an expansion of a tax loophole and a $1 billion yearly loss in treasury funds that will have to be made up by working Americans. DISC provides no added incentive to increase U.S. exports; the major beneficiaries would be U.S.-based multinational corporations. Ironically, the tax savings in DISC could be loaned to the parent corporation for use overseas to build or purchase subsidiaries, thus acting totally counter productive to America's trade needs.

We support the retention of ASP. The House measure would repeal it. The Senate bill retains present law. Elimination of ASP would bring tariff cuts on many chemicals, a selective action that would result in the loss of thousands of American jobs. Incidentially, the workers most affected would probably be blacks in urban areas who, in today's difficult labor market, would not be able to find other jobs and would be likely forced onto public assistance.

As to newspapers' charges that the measure is anti-consumer, we find it hard to separate consumers from workers. Some 700,000 U.S. workers have lost jobs between 1966 and 1969 due to imports—and that figure is rising sharply. Thus, as consumers their purchasing power has been wiped out, their tax-payments have halted, and many of them have been forced onto public assistance—all at an increased cost to other Americans.

For Americans who are employed, the facts don't support the argument that this bill, with its quota provisions, will push prices upwards. For example, by September, 1970 overall consumer prices had risen 36.6% from 1957–59 level. For some rapidly increasing imports, prices went up even higher, though, strangely, prices often rose less than the average for those imports set by quotas. Here are some examples of price increases:

Items on quotas

Cotton or polyester blouses up 30.4%.
Sugar up 22.7%.
Coffee up 9.9%.
No. 2 Fuel oil up 20.3%.
Cotton bedspreads up 17.6%.

Items without quotas

Shoes up 48.6%—ladies shoes up 57.2%.
Street dresses of synthetic fibers up 59.5%.
Cola drinks up 65.2%.

In answer to the cries of "trade war," we are convinced that there won't be a trade war because since World War II, the U.S. has been reducing tariffs more than other countries. However, other nations have been adding new non-tariff barriers to trade in the 1960s. We have not retaliated. Further do-nothingism by the U.S. will only encourage more foreign restrictions on U.S. exports and further discriminatory agreements that affect U.S. production and workers' jobs. Japan has about 100 illegal trade barriers under GATT and we have not retaliated. The Common Market has set up special trade arrangements with Spain, Israel and Tunisia which discriminate against the U.S., but we haven't retaliated. The entire world is wise enough to know that they want the U.S. markets. They know that the U.S. has problems today. Japan and the Common Market have full employment; yet, we have a jobless rate of almost 6% nationally.

We already have quotas both by law and by administrative action on dairy products, wheat and wheat flour, sugar, coffee, peanuts, broom corn, meat, cotton textiles, steel, and oil. About 20% of U.S. imports are subject to quotas of some kind. There hasn't been retaliation. Foreign countries need our market, they need the goods they now import from us—and they know that with the great discretion in the bill they are not threatened. The authority for non-quota agreements, the exclusion authority in the legislation's provisions and the President's power to defer when not in the national interest are all measures which give the bill the utmost in flexibility and discretion.

Overall, we in the AFL–CIO feel that there are many sizable problems in international trade that require far more inquiry and action than in this bill. However, at this time speedy action is necessary. We must prevent further erosion of U.S. jobs and the dismantling of our productive capacity. We must take the first steps toward a new international trade concept. The bill is a beginning. We urge that you support these major provisions now in the bill and resist amendments that would reintroduce DISC and the elimination of ASP into the bill.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

POLICY OF GOVERNMENT OF JAPAN—ADDRESS BY AMBASSADOR NOBUHIKO USHIBA

Mr. MILLER. Mr. President, on November 2, at the Baltimore Chamber of Commerce, the Honorable Nobuhiko Ushiba, Ambassador to the United States from Japan, delivered his first public speech as Ambassador.

It is a splendid statement of commitment on the part of our friendly democratic trading partner from the Far East to understanding and mutuality of economic interests and concerns.

I am confident that this statement accurately reflects the views of the Government of Japan—granted that, as in our own country, government policy is not always the same as that of the various segments of business and industry. But it is absolutely vital that the governmental policies of Japan be outward looking, progressive, and understanding, and I believe Ambassador Ushiba's words are most reassuring.

I ask unanimous consent that the Ambassador's speech be printed in the RECORD.

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

REMARKS BY AMBASSADOR NOBUHIKO USHIBA

It is a particular pleasure to be here in Baltimore to give my first speech since I presented my credentials to President Nixon as Ambassador of Japan.

As one of the oldest and finest ports in the United States, Baltimore has had a long tradition of looking far beyond the horizon. I understand that, even before the American Revolution, Baltimore ships ranged over much of northern Europe and deep into the Mediterranean. I now will ask you, as the descendents of those hardy seafarers, to join me on a trip across the Pacific to Japan.

I might note that Baltimore now has a particular interest in my country, in that United States trade with Japan moving through the port of Baltimore reached $129 million last year, which is 25 percent more than the previous year. This growth rate is substantially greater than that of Baltimore's foreign trade with other areas.

However, it is not as a trade promoter that I am here today. Rather, it is with the intention that my first speech as Ambassador to the United States should deal with the broader aspects of Japan's relations with the United States.

In retrospect, the 1960s may be considered to have been a decade during which our relations continued to be strengthened and broadened in a most satisfactory fashion. Politically, our relations were solidly based on the Security Treaty revised in 1960. Economically, trade between our two countries increased by leaps and bounds. Our mutual trade more than tripled during the period from $2.5 billion in 1960 to $8.3 billion in 1969. United States investments in Japan also expanded, outstanding direct investments totalling over $1 billion in 1968. Against this close and harmonius relationship, a momentous agreement was reached last year to return Okinawa to Japan by 1972. This was an extremely wise political decision because it served to defuse the major potentially sensitive problem between the United States and Japan. The high statesmanship of President Nixon was widely acclaimed by our people.

The 1960s witnessed a remarkable development in Asia, that is, the emergence of Japan as one of the most productive economies in the world. Today our gross national product is third in the world after the United States and the Soviet Union. And though Japan has only 100 million people, its productive power is now nearly twice that of all the rest of Asia combined.

In this maritime city of Baltimore, I might illustrate the quick growth of the Japanese economy by showing to you what has happened to our maritime and ship-building industry. In 1946, Japan was left with only 17 battered ocean-going ships. It wasn't until 1960 that, with enormous efforts, we had rebuilt our merchant fleet to the pre-war level of 6.5 million tons. But ten years later we now have the world's second largest merchant fleet with over 24 million gross tons. Moreover, though all our shipbuilding yards were destroyed in 1946, today we build half the world's tonnage of ships, mammoth tankers of over 300,000 deadweight tons are commonplace in Japanese yards today, and we are now building ships of nearly 500,000 tons.

This fact alone reflects a very vigorous and a technologically sophisticated economy. It took us ten years of desperate struggle to get our economy back to its pre-war level, and then it has continued to grow at one of the highest rates in the world. Japan's gross national product was only $11 billion in 1950, but it rose to $43 billion by 1960 and it will surpass $200 billion in 1970. Japan has become not only the world's biggest shipbuilder, but also is second to the United States in the production of automobiles, TV sets and rubber products, and third in the world in steel and concrete cement production. Moreover, its economy has shifted substantially from labor-intensive products such as textiles to high-technology products such as machinery, electronics, precision optical instruments, chemicals and steel.

It is a legitimate source of pride to us to have come so far so fast, while swimming upstream against formidable difficulties. But our very success now poses new challenges and imposes new responsibilities. Although we must admit that the relationship between any two countries enjoying the volume of mutual trade to the order of nearly $10 billion is hardly immune from frictions from time to time, recent economic frictions between our two countries are due, to some extent, to the speed at which our economy and exports have been growing in the past decade.

There is no denying, however, that despite certain problems which have lately attracted too much attention on both sides of the Pacific, in overall balance our expanding economic relations have been highly beneficial to each of us. If we are to avoid the repetition of trade protectionism of the 1930s, we must strive to find solutions to those problems in a realistic manner through compromises based on mutual understanding. In this regard, it is gratifying to note that Prime Minister Sato and President Nixon, in their recent meeting, agreed to resume negotiations to settle the textile question with a view to reaching agreement.

I now wish to give you certain economic and social aspects of today's Japan, an understanding of which is, in my view, essential, if we are to maintain the cordial relations presently existing between our two countries into the 1970s.

First, a few words about the fundamental diplomatic policy of Japan. This was expressed most lucidly in Prime Minister Sato's address made in New York on the occasion of the 25th Anniversary of the United Nations two weeks ago. He pointed out that after a long period of isolation from the world, Japan finally opened its country to the world about a century ago with the determination to establish friendly relations with other countries, and embarked upon the modernization of its economy. Japan was confronted with a number of immense difficulties in the course of this modernization. These included a scarcity of natural resources, a high population density and the fact that Japan was a "late comer" among the advanced industrial countries. In the face of these difficulties, Japan's modernization was a continuing process of "trial and error". But as a result of strenuous efforts, Japan's economy has grown to the point where it occupies its present important position among the world's economies. World history has shown us that countries with great economic power are often tempted to possess commensurate military forces. On this point, I would like to quote from Prime Minister's U.N. speech. Prime Minister Sato said, "I should like to make it clear that my country will use its economic power for the construction of world peace, and we have no intention whatever to use any major portion of our economic power for military purposes."

In summary, we Japanese have learned invaluable lessons from the past "trials and errors", and having attained the economic progress and political stability of today, we are firmly resolved, in our future diplomatic policy, to use our economic power for peaceful purposes as a responsible member of the world community.

Second, Japan's recent efforts to liberalize trade and investment. I am well aware that in the controversy surrounding the Trade Bill of 1970 presently before the U.S. Congress, my country was often blamed for its restrictive economic policies and practices. Though some criticisms are based on misunderstanding or out-dated information, we must frankly admit that the tempo of our liberalization has not been as rapid or dramatic as some of our foreign friends would have wished. This was partly because certain sectors of our economy are still comparatively weak vis-a-vis those of American or European countries and partly because mental attitude usually lags behind the realities. However, I would emphasize that now we in Japan do realize what should be done toward greater liberalization of trade and investment.

In fact, we have greatly accelerated our efforts in this direction in the past few months and will continue to do so. According to the new schedule recently decided by the Government, by the end of September of next year, the number of items under residual import restrictions will be reduced to fewer than 40, which compares favorably with that of other industrial countries. In the field of direct investment in Japan, roughly 70 to 80% of Japan's industrial sectors are now open for new foreign investments of up to at least 50% ownership. By the autumn of next year, most of the rest of the industries will also be liberalized including the automobile industry, which is expected to be liberalized next spring. *I assure you that Japan is committed to trade liberalization and that our liberalization effort is a continuous and irreversible movement.*

Third, changes in the Japanese society. The way of thinking, economic and social philosophy and even life style of our people are currently undergoing profound changes. As social phenomena, these changes are difficult to characterize in precise, quantitative terms. Nevertheless, I believe they are quite important in understanding us and the direction of our policies in the 1970s.

As is well indicated in the Prime Minister's address I referred to earlier, the paramount goal for Japan in the past hundred years since Meiji Restoration has been to catch up with more advanced Western nations. During the past 25 years, in particular, we mainly concentrated our efforts on economic progress. With per capita income having increased from $350 in 1960 to about $1,300 today, the Japanese have now come to enjoy a fair measure of material affluence. At the same time, it is increasingly felt that the very rapidity of our past growth has adversely affected the quality of life. Nowadays, public interest at home is directed to such problems as pollution of air, water and environment, housing, protection of consumers' interest, leisure and so forth. Our excessive growth consciousness is now being openly criticized even by our own people. With the favorable balance of payments in the past few years, the need to export is no longer as urgently felt as it used to be. Rather the need for an orderly and moderate export policy is being advocated by a number of responsible business leaders and Government officials. These changes are indeed remarkable and significant. They are bound to influence our economic policy, both domestic and external. Since, as I said earlier, part of economic frictions between our countries is due to the extraordinarily fast growth in the Japanese economy and exports, it is probable that these changes will serve to influence our future course in the more desirable direction.

Last, regaining of confidence by the Japanese. The vast economic success together with political stability based on the democratic form of government have allowed us to regain confidence in ourselves—a confidence which had been lost by the defeat in the last war. We feel that we are expected to play our part in the affairs of Asia, although military involvement is totally ruled out. We will respond to the expectation as a peaceful power. We have already decided to allocate 1% of our GNP to financial assistance to the developing countries by 1975. This means our foreign assistance may reach the order of $4 billion in five years' time. I may add that this amount equals the present amounts of French, German and Canadian aid combined and compares well with the present U.S. aid level of $4.6 billion. In addition, we will soon start extending tariff preferences in favor of these less fortunate nations together with other developed countries. We hope to play a constructive role in Asia, as already evidenced by our active participation in Jakarta Conference on Cambodia. I believe that our activities in these fields will help bring stability and economic progress to the countries in Asia and that in this the United States

and Japan have a common interest and stake.

It is a patent fact that the United States and Japan have many things in common; we both are hard-working peoples, we share belief in free enterprise and in the democratic system of government, and we are agreed upon the basic need for free trade. There is a wide-ranging convergence of interests and objectives among us. Both the United States and Japan are resolved to work toward keeping peace in the world, maintaining good trade relations, helping poor nations to develop and preserving and restoring our natural environment.

There are benefits from the vast community of interests between the United States and Japan. I am confident that an awareness and an appreciation of the many common goals we share will enable us to transcend frictions which are bound occasionally to arise even between good friends. On this optimistic note. I wish to conclude my remarks.

EUGENE CERVI OF DENVER

Mr. HART. Mr. President, I was grieved to learn of the death of Eugene Cervi of Denver, publisher of Cervi's Journal.

In this age of corporate journalism, he was a foremost practitioner of personal journalism. He believed that the most important ingredient in publishing a good newspaper was the character of the publisher. His newspaper was richly endowed with that ingredient.

In his columns, Eugene Cervi fought against injustice, public and private. He was particularly effective in fighting the injustices he saw in the business community. In Cervi's Journal, antitrust violations were page 1 news, and stories explained the impact of the violation in plain language. Because of him, the people of Denver were educated in the public purposes of antitrust.

He tried hard to educate the Congress as well.

None of us who were present when he attacked the "Failing Newspaper Act" in the hearings of the Antitrust Subcommittee will forget his testimony with its ringing denunciation of special privilege. He brought to that committee hearing the vitality, the wit, and the strength of character which were his trademarks.

At one time or another, Eugene Cervi crusaded against the injustices committed by supermarket chains, railroads, utilities, oil companies, banks, and communications empires.

Sometimes just covering the news turned into a crusade as it did when he reported in detail the battle waged by S. J. Newhouse for control of the Denver Post. As the two opposing groups maneuvered for control, neither of the Denver dailies treated the matter as newsworthy. Cervi's Journal carried the story every week on page 1.

TRADE LEGISLATION

Mr. PEARSON. Mr. President, the Senate now undertakes consideration of sweeping and controversial welfare proposals, increases in veterans' benefits and social security payments, changes in medicare and medicaid, and the most significant trade legislation in four decades. All these proposed changes in the law, ranging from the very good to the horrid, are contained in a single bill called, somewhat inappropriately, the Social Security Amendments of 1970.

None of these legislative initiatives will receive adequate consideration in the next few days. Some are revolutionary—others excessively timid. Some parts of this omnibus bill are exceptionally timely and urgently needed, while others would threaten the economy of the Nation. I deeply regret that the committee has offered this package for consideration en masse, and I regret that the administration has lent its support to this endeavor.

Mr. President, title III of the bill before the Senate is called the Trade Act of 1970. This title constitutes a profound departure from established U.S. foreign trade policy, consistently followed by administration and congressional leaders of both political parties for nearly four decades.

Because the Trade Act of 1970 is sweeping in scope and essentially protectionist in nature, I believe it should be considered alone, and on its merits.

There are many aspects of the omnibus bill, and particularly its trade sections, which call for comment. I will address myself to the principal provisions relating to trade, and endeavor to demonstrate why I oppose the committee's recommendations.

FOUNDATION OF U.S. TRADE POLICY

Mr. President, the United States has been committed to a policy of trade expansion for more than three decades. Under American economic and diplomatic leadership, the trading nations of the world have pursued a policy of trade liberalization on a reciprocal basis. The policy has served our country well—and it has served the world well.

American initiatives to promote freer trade have been successful and profitable. World trade has increased from less than $60 billion in 1948 to more than $200 billion in recent years. Consumers and retailers everywhere benefit from imports in terms of style, quality, and price. Exports enable manufacturers to take advantage of their competitive abilities, while imports enable producers to benefit from access to needed supplies at competitive prices.

Since World War II, major trading nations have enjoyed the longest period of sustained prosperity and economic expansion in history. This period of prosperity has been no accident.

During the 1930's, when the world was suffering from economic depression, many governments attempted to shelter their producers behind protective trade barriers, such as high tariffs, quota restrictions, exchange controls, and discriminatory taxation patterns. During the war it became evident that these restrictions could become permanent impediments to trade and peacetime prosperity, unless forceful attempts were made to dismantle and outlaw them. The General Agreement on Tariffs and Trade is the major result of efforts in that direction.

Mr. President, I believe that Senators should recall the principles of GATT as they consider the Trade Act of 1970. The general agreement is a multilateral trade treaty which affords certain rights and imposes certain obligations upon signatory members. It contains, in essence, four fundamental principles.

The first principle is that trade should be conducted on the basis of nondiscrimination. All contracting parties are bound by the most-favored-nation clause.

The second general principle is that protection should be extended to domestic industries exclusively through the customs tariff and not through other commercial measures. While the import quota is permitted, its use is severely limited to achieve specific purposes—notably to redress a nation's balance of payments. There are elaborate procedures for multinational consultation to insure that import quotas, when used, comply with established conditions, and that damage to the trade of other countries is minimized.

The third principle is one of continuing obligation to consult with trading partners before taking action in restraint of trade.

Finally, GATT provides a framework for negotiations to reduce tariff and nontariff barriers, as well as formalized structures for embodying agreements in legal instruments.

Under these guidelines, some 50 nations took part in trade negotiations conducted between 1964 and 1967—the Kennedy round. Concessions made by participants facilitate trade valued at just over $40 billion. Industrialized nations made tariff concessions on 70 percent of their dutiable imports, and two-thirds of those concessions were of 50 percent or more. Negotiations were painstaking and difficult, concessions were made in exchange for concessions, good-faith compromise was essential for progress—and the result documents the fact that 50 nations had the courage of their opportunity.

Mr. President, while negotiations at the Kennedy round were being concluded, the United States massively increased its military commitment in Southeast Asia. The administration found itself without adequate revenue to support the war and, at the same time, to meet legitimate demands of the American people at home. Fiscal and monetary policies then in effect, combined with pressures of war, inevitably led to a sustained period of inflation.

Five years of inflation have made the American marketplace unusually attractive to foreign sellers, while American-made products have become unusually expensive in foreign markets. Our $7 billion favorable balance of trade has evaporated to less than 1 billion, and the U.S. balance of payments is seriously in deficit.

No one, Mr. President, would suggest that these problems are not serious ones. They deserve an appropriate response from Congress. I do not believe the Trade Act of 1970, as reported by the Committee on Finance, is the response we seek.

The committee trade bill would impose statutory quotas on textiles, footwear, mink skins, and other items. The bill would authorize the Tariff Commission to impose quotas on a variety of consumer goods, including sports equipment, radios, televisions and hi-fi sets, and musical instruments. These quotas almost surely would invite retaliation from our

trading partners, many of whom depend upon access to foreign markets for survival.

This bill could inaugurate a wave of economic isolationism, as more and more countries impose quotas or other barriers on more and more goods. Without leadership from the United States, the forces at work for trade liberalization might be overwhelmed by forces of protectionism which exist in every country.

Such developments would spell disaster for those American workers and businessmen who depend upon exports for their jobs and profits. American exports constitute about 4 percent of our GNP. The Department of Commerce estimated that 2.4 million American jobs depended upon export markets in 1966—some place the figure at 4 million jobs today. We cannot forget these workers, their families, and their dependence on trade as we consider this legislation.

U.S. AGRICULTURE THREATENED

Mr. President, retaliation to the protectionist quotas contained in the committee bill will strike first and hardest at some 10 million rural Americans—the 5 percent of our population which produces food and fiber for all the rest of us.

Farmers depend upon agricultural exports for almost 15 percent of their annual income from marketings. Twenty percent of their cropland produces for export, some 60 million acres. And these exports are supremely vulnerable to retaliation.

Amercan farmers sell about half a billion dollars worth of soybeans to the European Community each year. The Soviet Union stands ready to meet this demand with sunflowerseed oil, should the United States become an unattractive trade partner.

American farmers must export half their annual wheat production, or convey it to the Government for the loan price. Canada and Australia together have wheat surpluses in excess of 1.3 billion bushels, and stand ready to take any wheat market the U.S. loses. France and Argentina are also anixous to capture a share of America's traditional wheat export market.

Moreover, farm products are susceptible to almost instant embargo, since they move in trading systems where health, botanical and other regulations are in force.

Mr. President, I know Senators are aware that commodity exports have begun to increase after 2 straight years of disheartening decline. They reached $6.6 billion in fiscal 1970, and commercial sales for dollars in that year totaled $5.7 billion—more than any other year in U.S. history.

The agricultural export market is vital to the economies of many States, but none depend upon it more than my State of Kansas. Kansas farmers sold $314 million worth of wheat, feed grains, soybeans, and other commodities overseas during fiscal 1970. As the Nation's leading wheat State, Kansas growers marketed more than $183 million worth of wheat abroad—an amount equal to 65 percent of the total 1969 cash receipts for wheat in Kansas.

Fiscal 1970 was a good year for agricultural exports. Fiscal 1971 promises to be an even better one. Japan has become this Nation's first billion dollar farm customer—and that market is expanding. Traditional rice-consuming populations throughout Asia have their appetites whetted, and are buying American wheat in record quantities. Exports of farm commodities should reach $7 billion this year—a new record for American agriculture, both in total exports and exports for dollars.

The principal obstacle standing between the farmer and a sustained market for his production is protectionism at home, coupled with the retaliation it inevitably would attract from consumers of American commodities abroad.

Mr. President, the Nixon administration has successfully staved off the European Community's recent effort to tax our soybeans and meal. We are moving aggressively against British proposals which would levy border taxes against agricultural imports. We have moved against EC citrus concessions along the Mediterranean. We have held the Japanese to their promise to relax trade restrictions against a long list of U.S. commodities. We have pledged to work for a new agreement requiring more competitive trade in wheat.

These actions have been taken to protect and promote our $7 billion farm market overseas, but all will go by the wayside if excessively protectionist trade policies are adopted by Congress.

The U.S. Department of Labor reports that more than half a million jobs in agribusiness are attributable to commodity exports. Certainly Kansas has a significant proportion of these jobs, for Kansas ranks among the top five States in commodity sales overseas.

CONSUMERS AND RETAILERS BEWARE

Mr. President, some 205 million consumers and countless thousands of retailers throughout this country have a vital interest in maintaining vigorous and viable foreign trade policies.

Should this bill be approved by the Senate, and ultimately become law, the available supply of imported textile and footwear products—immensely popular with consumers— would be reduced by as much as one third. Kansas clothiers, because of their generally small size, would suffer most among retailers under this bill.

Retailing in Kansas is an important, growing industry in the economy of our State. According to the 1967 Census of Business, nearly 25,000 retail establishments in Kansas reported sales of $3.5 billion, up 22 percent from 4 years earlier.

In apparel and accessory stores, a category which includes those stores offering imported textiles and footwear to their customers, sales were up nearly 15 percent to $143 million. These Kansas retailers, Mr. President, will suffer more than retailers in major metropolitan areas from restricted availability of imported merchandise.

Kansas retail stores, for the most part, are comparatively small. Nearly 91 percent of all retail establishments in the State are doing less than $300,000 worth of business annually. These stores will simply not be able to compete with the country's giant retailers for the severely limited supply of imported merchandise.

The pending legislation does not make provisions for orderly allocation of imported textiles, apparel, footwear or other products, among the various established retailers and importers throughout the Nation.

More than $361 million is distributed annually by Kansas retailers in the form of payroll to store employees. With a sharp reduction in the availability of imported merchandise, Kansas consumers will have to pay more for the items they buy. Many will be unable to find variety in smaller retail stores. This will have an adverse effect on sales, on profits, on hiring and retention of retail employees, and ultimately on the economy of the cities and towns served.

Retailing—the second largest industry in Kansas, and one of its major employers—will suffer. Retailing throughout the Nation, and particularly in small communities, will suffer as well.

Mrs. Virginia Knauer, the President's Assistant for Consumer Affairs, has called this legislation the "most significant anticonsumer legislation now before Congress." She has also said:

> The imposition of import quotas will hurt virtually every consumer in the United States, particularly lower income consumers.

Many poor people, Mr. President, depend upon low-cost imports to clothe their children, and to provide them with warm shoes in winter. We do not know how many will be unable to purchase higher priced American shoes and coats, should import quotas cut off the lower cost supply. But the purchasing power of lower income citizens should not suffer further erosion from enactment of restrictive trade legislation, particularly in times of persistent inflation.

U.S. LEADERSHIP IN TRADE POLICY

Those who advocate import quotas cite numerous examples of nontariff barriers to legitimate U.S. exports. Clearly, our trading partners are not without blame. Some have violated the spirit of the general agreement, and have persisted in maintaining quotas and tax patterns which are discriminatory to U.S. exporters.

But Mr. President, this evidence is not evidence in support of retaliatory action by Congress. The United States is a superpower economically, as well as militarily. What we do here will set the stage for a multitude of responses throughout the trading world. Congress must have the courage to maintain a policy of freer trade and good faith among trading nations. Our example will not be generally resisted, but generally followed as in the past.

U.S. initiatives to reduce nontariff barriers overseas have met with limited success. U.S. admonitions to prevent creation of additional nontariff barriers have met with even more success. None of these admonitions, none of these initiatives will be credible if the United States, as the leading trading Nation of the world, forsakes its ideals with counterproductive protectionist action.

Mr. President, the proper course is clear. Millions of Americans, as well as millions overseas, depend upon the Con-

gress to be even-handed—an advocate of the free enterprise system. Congress must continue to support the President in his efforts to convince our trading partners that nontariff barriers are not in their best interest, or in the best interest of world prosperity.

Congress must work to provide opportunity for those who are unemployed in the United States for whatever reason. There are many ways for Congress to help those in need of opportunity. The wrong way is to create uneconomic quotas in restrain of trade.

CONCLUSION

Mr. President, trade legislation necessarily must be drafted to promote the overall national interest. Foreign retaliation must be considered when any quota plan is advocated. The ultimate effect of retaliation must carefully be assessed.

The Trade Act of 1970, as reported by the Committee on Finance, has some redeeming features. Under its terms, the President is authorized to lower some tariffs. American workers are protected from dumping by competitors selling at a loss.

Yet this legislation falls far short of what is needed now. Many of the President's proposals on trade have been ignored. The critical balance—inherent in the President's bill—has been lost to the protectionist cause.

The President urged tax deferral for Domestic International Sales Corporations, called WISC's, in order to promote exports. That proposal was deleted in Committee.

The President asked for authority to eliminate the American selling price system of duties on certain benzoid chemicals—an anachronism deeply resented by our trading partners, and an example of impermissible nontariff barriers to trade. This bill gives the President no such authority.

Mr. President, this trade bill must be defeated, for it provides protection for certain domestic industries competing with imports, but it does not mitigate the harm to millions of farmers and workers who depend upon exports for their livelihood.

American farmers, consumers, retailers, shippers, and export manufacturers deserve consideration when trade policy is debated in Congress. They depend upon a prudent and progressive trade policy. Congress has a deep commitment to them, and to the other trading nations of the world, to maintain the momentum that has brought so much prosperity, variety, and efficiency for so many years.

THE CORVAIR AUTOMOBILE

Mr. HARTKE. Mr. President, early in October I was disturbed to learn that there was a possibility of a serious design defect in the Corvair automobiles manufactured by General Motors. The alleged defect involves the possibility that the Corvair heating system, which uses hot air of the engine directly to heat the passenger section of the automobile, permits deadly carbon monoxide fumes to enter the passenger section.

In order to resolve the issues surrounding the alleged defects I immediately sent the Secretary of Transportation a letter which explained the alleged defect in detail and requested that the General Motors Corp. be required to issue a recall of all vehicles if there was any reason to believe there was a design defect in this vehicle. To date the Department of Transportation has not concluded its study on this matter.

In order to facilitate the investigation and provide background material for Senate Commerce Committee oversight hearings on the defect recall provisions of the National Traffic and Motor Vehicle Safety Act, I ask that my colleagues receiving Corvair complaints forward them to the Senate Commerce Committee. We, in turn, will forward them to the National Highway Safety Bureau.

Mr. President, I ask unanimous consent to include at this point in the RECORD the two letters which I have sent to Secretary Volpe regarding the difficulties of the Corvair interior heating system.

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

OCTOBER 2, 1970.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: I call upon you to undertake an immediate investigation of the following situation:

(1) On October 18, 1967, a Los Alamos, New Mexico constituent, advised the General Motors Corporation, Chevrolet Division of an alleged design weakness in the Corvair engine.

(2) The design weakness related to the type of head gaskets and lower cylinder head bolts used in the Corvair air-cooled engines.

(3) This design defect apparently allows engine combustion gases to escape from the cylinder head and enter the heating system, thereby producing not only unpleasant odors in the passenger compartment but also emission exhaust pollutants, including carbon monoxide, which threaten the operational capabilities of, and could be fatal to, the driver.

(4) General Motors has reviewed the evidence presented by Mr. Koelle, and apparently has taken no steps to inform their dealerships or to provide defect notification to owners of Corvairs or to evaluate the traffic safety dangers resulting from these defects.

Is there no end to the safety defects inherent in the Corvair? And is there no end to General Motors callous refusal to take proper action to remedy these apparent defects—defects that might impair more than one million vehicles on the road?

Under section 108 of the National Traffic and Motor Vehicle Safety Act the General Motors Corporation is obligated to furnish notification of the design defects which could be a hazard to traffic safety. The ability of carbon monoxide to interfere with driving behavior is well established. Even low levels of carbon monoxide in a two hour driving period can have have very damaging effects on the motor nerves of individual. Under section 109 of the Traffic and Motor Vehicle Safety Act the failure to furnish such notification of defects should subject the General Motors Corporation to civil penalties.

I urge you to investigate the facts presented in the enclosed correspondence; report to me preliminarily within the next week; and, if the facts are as presented, take immediate action against the General Motors Corporation for its failure to exercise its legal and moral responsibilities to guard the American public from harm resulting from its failure to produce safe products.

Looking forward to a response from you as soon as possible, I am

Sincerely yours,

VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation.

OCTOBER 30, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letters of October 7 and 20 indicating that, as a result of my letter of October 2, you have requested the National Highway Safety Bureau to undertake an investigation of possible intrusion of exhaust gases, including carbon monoxide, into the passenger compartment of Corvair automobiles through the heater system.

My original letter was based upon correspondence and data from a single Corvair owner, an engineer from Los Alamos, New Mexico. However, I have now received several dozen letters from Corvair owners stating that they have a problem with exhaust gases entering the passenger compartment.

The majority of these letters simply state the existence of the problem and a lack of success in obtaining correction, with the result that the owner must either discontinue use of the heater or ride with the windows down, even in the dead of winter. However, a number of the letters contain more substantive information such as carbon monoxide test data and reports of physical symptoms possibly related to carbon monoxide inhalation. One such letter from an attorney includes records and data from a civil suit against General Motors and one of its dealers contending that this exhaust-heating system defect resulted in the death of the owner by carbon monoxide inhalation. The suit was settled out of court in favor of the plaintiff, widow of the deceased, in 1964. This and other information received since my original letter to you suggests that General Motors has been aware of this problem for some time and may have suppressed information concerning it.

Some of this information also indicates that there may be several ways in which exhaust gases can enter the Corvair heating system, other than the loose lower cylinder head bolts or the burning through of a head gasket. This raises the important question of whether the whole concept of using engine cooling air for direct heating of the passenger compartment of Corvair automobiles was not ill-conceived and inherently dangerous.

In view of this new information and the onset of the winter season, which will necessitate the use of automobile heaters, I strongly urge you to expedite the investigation of this important matter so that Corvair owners may be given adequate warning of any dangers which are found to exist.

All of the information which I have received has been turned over to the Senate Committee on Commerce, the Chairman of which, Senator Warren G. Magnuson, has also written to you concerning this matter. However, I am certain that the Committee will be happy to make this information available and to cooperate in any other way to expedite this investigation. I would also suggest that you take steps to obtain any information in the possession of General Motors which may have relevance to this problem, including complaints, court records and carbon monoxide and other exhaust system test data from whatever source.

I would appreciate an early response concerning the progress of this investigation.

Sincerely yours,

VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation.

WHAT IS POLLUTION?

Mr. GOLDWATER. Mr. President, with the prolonged debate threatened on the SST, I think it is necessary to keep every facet of this subject in proper order. We have heard so much about air pollution, water pollution, about ecology and the abuse of it, over the last year or so on the floor of the Senate that one would think that every Senator was completely cognizant with all of the facts concerning this subject.

For example, I have been a conservationist all of my life; I have fought for laws in my State that would help, in my opinion, to clear up the air and to clear up what little water we have in that arid land, without ever really realizing that nature itself is probably the greatest pollutant that we have. This by no means should play down the ugly and devastating effect of man on his environment, but when we study what geology and ecology, environment, and the like, really amount to in the eyes of the academicians, I think we have a better understanding of what we are approaching. I have placed in the RECORD several papers on this subject, but I came upon one entitled "What on Earth is Pollution?" printed in Industry Week of August 17, 1970. It is so short, so concise, and so revealing that I think Senators would benefit from reading it.

I therefore ask unanimous consent that it be printed in the RECORD.

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

WHAT ON EARTH IS POLLUTION?

"For every problem there is a solution—simple, neat, and wrong."

So observed H. L. Mencken who many years ago also remarked upon the "virulence of the national appetite for bogus revelation." Said he, "The public demands certainties; it must be told definitely and a bit raucously that this is true and that is false."

Mencken's incisiveness may amuse professional environmentalists but they are dismayed by his clairvoyance. For generations they have tried to get us to understand that our earth is a spacecraft in eternal orbit with all supplies on board and an ever-increasing crew. We now understand the first word of their message, "URGENT," and we are being bombarded with "solutions" to a problem the professionals themselves view as yet to be fully understood and defined.

For the problem of man and his environment is far more managerial than janitorial. Environmentalists are urging the necessity of management of our environment by objectives and by value analysis. To some, like Dr. William T. Pecora, director of the U.S. Geological Survey, "the failure of industry to initiate a dialog of what we can agree we want, and what we are willing to pay is really the tragedy of this period of confrontation."

For if our quality of life is realistically to be related to the environment, no less must it be related to economics.

MAN AND NATURE

"We have a very dim idea in our minds, I believe, as to what we mean by a good environment," said Russell E. Train, chairman of the President's Council on Environmental Quality, in an exclusive interview (IW, July 27, Page 12). "I don't want to play down the pollution aspect because it's of critical importance, particularly to health. And yet I think we must recognize that as and when we lick our pollution problems we still have no guarantee that we will have a high quality environment."

His council, Mr. Train believes, must begin intensive research into the human aspect—increasing human numbers, the interspatial relationship between people, and the tensions and stresses of an urban society.

As Mr. Train believes we must take a more intensive look at the human aspect of the interrelationship between man and his environment, Dr. Pecora emphasizes a look at resources. "Within the life span of 200 million people now living in the U.S., this nation will require from the earth some 6.5 quadrillion gallons of water, 7.5 billion tons of iron ore, 1.5 billion tons of aluminum ore, 1 billion tons of phosphate rock, 100 million tons of copper, and much more. Water and energy requirements will triple by 2000; and by 2000 we will have to construct as many houses and other facilities as now already exist in our country.

"Recognizing that we must take from the earth to provide for ourselves, we must develop value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave that environment in the taking and the using.

"Those individuals," adds Dr. Pecora, "who speak about restoring our inherited environment of pure air, pure rain, pure rivers, pure coastlines and pure lakes never had a course in geology. Natural processes are by far the principal agents in modifying our environment."

GEOLOGY: A SHORT COURSE

Dr. Pecora's perspective of our environment is based on a lifetime of study. But consider a matter so seemingly simple as "pure air."

Dr. Robert Robbins and Elmer Robinson of the Environmental Research Dept. of Stanford Research Institute, Menlo Park, Calif., not long ago explored an interesting question: Where does the stuff come from in our atmosphere and where does it go?

Their undertaking was as ambitious as it was unique. The whole world, together with its surrounding atmosphere, was considered as a complete system. Estimates were made of the amount of such things as carbon monoxide and nitrogen oxides discharged to the atmosphere in various ways by man's activities. Calculations were made of the total amount of each material in the atmosphere. Their figures then permitted an estimate of the source of pollutants in the atmosphere and how effectively nature removes them.

Sulfur compounds.—Sulfur enters the atmosphere as sulfur dioxide, hydrogen sulfide, sulfuric acid, and various sulfates. The total sulfur is about 220 million tons a year, about seven times world sulfur production of 30 million tons a year. About one-third of the sulfur discharged to the atmosphere comes from mankind's activities, mostly in the form of sulfur dioxide, while the rest comes from natural sources.

But in the atmosphere, both hydrogen sulfide and sulfur dioxide are oxidized *within a few days* to sulfate aerosol, and removed from the atmosphere by precipitation in rain or snow.

Nitrogen compounds.—Nitrogen is the most plentiful element in the atmosphere, playing a key role in life processes and found in all plants and animals. The major sources for gaseous compounds are biological action and organic decomposition. Only NO and NO_2 are emitted by man as pollutants at an estimated annual worldwide rate of about 50 million tons. This compares with an estimated natural emission rate of 500 million tons of NO_2, 5.9 billion tons of NH_3, and one billion tons of N_2O.

Again, the atmospheric residence for all the nitrogen compounds except N_2O consists of only a few days.

Hydrocarbons.—Hydrocarbons in the atmosphere are generally thought of as originating from petroleum sources. But many hydrocarbons are released naturally. Methane is just one example. It is produced in flooded swampy areas at a rate of 1.6 billion tons a year. Pollutant emissions, by contrast, amount to only 90 million tons a year.

No estimate of residence time or of a possible atmospheric cycle has been made for the organic materials except for methane, which apparently has a residence time of several years.

Carbon monoxide.—Carbon monoxide, unlike the previous compounds, is generally believed to be produced primarily by combustion with natural sources far less significant. Total worldwide emission of carbon monoxide is 232 million tons, of which 80% is produced by automobiles. While fatal to humans in concentrations above 1,200 parts per million in the air, carbon monoxide concentration in ambient air in the Northern Hemisphere is about 1/12,000 that amount.

Dr. Robbins tells Industry Week that while plant respiration is an important factor in removing CO from the atmosphere, there is increasing evidence that substantial amounts of the compound are being oxidized to carbon dioxide.

Carbon dioxide—Exhaled by humans and not normally considered to be an air pollutant at all, of all the materials for which man is responsible in the atmosphere only carbon dioxide is increasing in concentration at measurable rates. While carbon dioxide plays a key role in photosynthesis, there is some evidence to indicate that carbon dioxide might affect the world's weather, a concern first expressed around the turn of the century. Depending on the rate of fossil fuel consumption, the carbon dioxide concentration in the atmosphere could be up to 30% higher by 2000 than it is now.

Dr. Robbins and Mr. Robinson ask if "in the future it may seem ironic that there was so much concern with small scale events—the photochemical reaction of trace concentrations of hydrocarbons or the effect on vegetation of a fraction of a part per million of sulfur dioxide—when the most abundant pollutant may be the cause of significant worldwide environmental changes?

"If the effects of manmade pollutants are to be understood, it is also necessary to understand those that nature supplies," they believe, suggesting that "when the answers to all these problems are available, the air pollution people will be in a much better position to forecast potentially dangerous long term trends in pollutant concentrations."

WHAT ABOUT OXYGEN?

No discernible change in the world's oxygen supply has taken place in the last 60 years, report Dr. Lester Machta of the Environmental Science Services Administration and Ernest Hughes of the National Bureau of Standards. The U.S. Dept. of Commerce scientists have concluded also that if all the known recoverable reserves of fossil fuels were ultimately burned there would be no significant effect on human breathing as a result of reduced oxygen.

What about particulates? Dr. Pecora says that more particulate matter and more combined gases were ejected into the atmosphere by the volcanic eruptions of Krakatau in Java in 1883, Mt. Katmai in Alaska in 1912, and Hekla in Iceland in 1947 than from all of mankind's activity in recorded history.

"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 air quality picture although he is becoming an important agent in extremely local contexts," he says.

Dr. Pecora is no less deflating on the subject of water. "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. The Lemonade Springs in New

Mexico carry 900 pounds of sulfuric acid per million pounds of water, ten times the acid concentration of most acid mine streams in the country, while the Azure Yampah Spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit and Peace Creek in Florida carries twice the concentration of fluoride that is harmful to teeth."

The rivers of our nation are being called dirty because of the works of man, Dr. Pecora exclaims. "We must understand that rivers are the natural transport systems for sediment and organic matter washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf of Mexico a load of more than 2 million tons of sediment per day. This is equivalent to a daily load of 40,000 freight cars. But compared to the Paria River in Arizona, the Mississippi comes out a trout stream. The Paria carries 500 times as much sediment as the Mississippi, year after year."

Other examples could be cited to bear out a striking point: water of the highest dissolved solid content occurs in areas of lowest population while, says Dr. Pecora, "surface waters of the highest quality occur in the coastal and midcontinent areas where population is most intense and manmade pollution is regarded as most troublesome."

THEN THERE'S LAKE ERIE

"I come right out of my chair whenever I hear once more on TV that Lake Erie is dead," chides Dr. Pecora. "Lake Erie, if anything, is too alive. The western part of the lake is a natural nutrient trap, an extremely shallow shelf that receives a large amount of natural organic material transported by rivers from the surrounding terrain."

"That organic material may be green scum to humans but it means food for fish. It acounts for the fish harvest of Lake Erie being equal to the rest of the Great Lakes combined. A similar situation, also productive of fish, is found in Lake Michigan's Green Bay which was so named because of the algae present when man first discovered it. Lake Superior, by contrast with Lake Erie, is almost clean—and the fish catch is negligible."

Dr. Pecora questions the wisdom of swimming in a nutrient trap. "One cannot clean such water up, but one might fill it up. For that is what nature is doing; filling in the shallow western end of Lake Erie like a delta to produce a shallow marsh. The waters of the Detroit and Maumee Rivers will then flow through channels into deeper water and the problem—along with the much talked about fish—will have been eliminated."

Dr. Pecora notes that every lake or pond, whether natural or manmade, "faces a similar life history of becoming more and more shallow as silt and organic material are swept into the water, whether from natural or from human sources."

Various stages of eutrophication, the natural aging process are illustrated in lakes unaffected by man's activity. Situated in the remote interior of Alaska, these lakes show the process of dying of their own accord. Lake Erie, believes Dr. Pecora, does not face a similar fate from natural causes in the next 10,000 years.

Saving Lake Erie therefore is hardly the issue, says Dr. Pecora. He sees our real conflict as between the need to develop the earth's resources and the desire to preserve the earth's environment. "For if the earth is to provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth—continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems."

LOWEST COST CONSPIRACY

To understand where we must go, it is important that managers and the public remember whence we have come.

Primitive man took what he could from the environment to stay alive. If he did not live in "harmony with nature," at least he was in position to cause little discord. But the progress of man, almost by definition, has been a chronicle of increasing influence over his environment.

Agriculture has been one major influence and, as the Indians pointed out to the early settlers, cutting down trees and plowing the land is most assuredly contrary to nature. So, too, has been the industrial revolution. As early as 1831, French nobleman Alexis de Tocqueville warned that we were placing "too much effort on raising, through industry, our so-called standard of living."

But the country paid no more heed to De Tocqueville than it had paid to the Indians. Capitalism and free enterprise rolled up their sleeves in a joyous conspiracy with the consuming public. Industry would develop the resources and produce the goods at the lowest possible cost and the public, which also owned the corporations and shared in the profits, would buy those goods to enjoy a better life.

So well has our conspiracy to build a better life succeeded that some now are sufficiently well fed, well clothed, and well housed to begin to question the wisdom of producing goods at lowest cost. The question is not new; conservationists have been asking it for generations. But it is a question not only of pollution but of management, of values, and of our very way of life.

For if not lowest cost, then what cost?

INDUSTRY INDICTED

The principle of lowest cost was as easily understood as profit and loss. It facilitated, if indeed it was not responsible for, turning wilderness resources into a country whose complexity and way of life is perhaps more contrary to nature than any other political unit in the history of man.

What Dr. Pecora is saying is that industry and the people must re-examine the lowest cost conspiracy, to begin to think together in terms of societal objectives and environmental cost. He cites an example: "If man in his industrial society today not only wants but demands a continuation of the energy supply which keeps that society alive, then he must recognize that there are going to be increasing demands for energy in future years. He must try to recognize the various forms of energy available to him and make the necessary adjustment to acquire those forms of energy. It's not just the cents per kilowatt-hour. It's the quality-of-life cost you must pay either to acquire or to *fail to acquire* that energy."

Quality of life or cents per kilowatt-hour? Consider in that context the statement of a power company executive at an "Earth Day teach-in." He testified that his privately owned utility had been "guilty for years of ignoring the effects of its operation on the environment," that as a public utility his company "now recognized its responsibility to do what the people want." He added, however, that "environmental controls will cost money and the additional expense will have to be reflected in charges to the customer."

His statements not only fail to reflect what Dr. Pecora is saying, but also seem a bit hazy on the industrial revolution itself. For it seems safe to assume that his power company all along has "recognized its responsibility to do what the people want." What the people wanted was energy at lowest possible cost. His company could hardly have been around to give him a job had it *failed* to meet its responsibility.

But if this company is not "now recognizing its responsibility," is it in fact now abdicating its responsibility? Is it responsible to agree to management of the moment? Do men of knowledge and experience in handling our resources not now have a new and greater responsibility to the public than mere acquiesence?

ENVIRONMENTAL MANAGEMENT

"This is a time for dialog and unfortunately very little of it is going on," says Dr. Pecora. "People say they do not want industry to keep doing what it has been doing for more than a hundred years. But industry must take the leadership if alternatives are to be rationally explored.

"I cannot say that industry is right or wrong or the people right or wrong. But we must bring the cost-benefit problem out in the open rather than permitting forced politics to try to do something that is irrational. And such dialog will be heard because the rational solution is, in the long run, the best political solution," he observes.

The question recurs: If not lowest cost, then what cost? And if industry in dialog with the public will not answer that question, government will do so with solutions "simple, neat, and wrong."

FEDERAL REVENUE SHARING

Mr. BAKER. Mr. President, the administration has been making it plain that one of its top priority items next year will be Federal revenue sharing. Many of us in the Congress have been promoting this innovative concept for some time, and it is gratifying to note the swelling support for it.

In this connection, I would like to call to the attention of my colleagues a recent column by Nick Thimmesch, of Newsday, entitled "Where the Revenue in 'Revenue Sharing' Comes From." I ask unanimous consent that the article be printed at this point in the RECORD.

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

WHERE THE REVENUE IN "REVENUE SHARING" COMES FROM

(By Nick Thimmesch)

WASHINGTON.—As is often the case with great ideas whose time has come, the controversial proposal for federal revenue sharing causes the public to yawn and the knowledgeable to sweat.

The public only knows that its taxes, particularly local taxes, are unbearable, and wonders when local services will improve, and what is Washington doing with all those high-priced social programs?

State and local officials cry that their governments face fiscal crisis, even bankruptcy, because they can't find money to operate basic services and tend to the welter of social problems besetting them.

The plethora of federal programs which parcel out dribs and drabs of earmarked, strings-attached money, isn't enough. That's why these state and local governments plead with Congress to pass revenue-sharing legislation providing "right now" money they could spend as they see fit on their urgent problems.

But key congressional leaders are leary of such a drastic reform in the way the federal government distributes its money, and many a vested-interest bureaucrat shares the feeling.

The Nixon administration has waded into this situation, earnestly pleading that a start for revenue sharing must be made now, however modest. John D. Ehrlichman, the President's assistant for domestic affairs, vigorously presented the administration's case before the National League of Cities in Atlanta this week, calling it the "domestic equivalent of the Nixon (foreign policy) Doctrine."

Just as Nixon argues that the U.S. can only help, but not conceive and operate defense programs of free nations, so he also feels the federal government should increasingly turn

over its vast power—in the form of money—to state and local governments.

Ehrlichman said it would take "extraordinary effort" to push revenue sharing through a Congress whose "reaction registers from cool to frigid." He said the President doesn't believe tales "that government employees in Washington are more highly motivated, smarter, more ethical or more hard-working than you and colleagues in city government."

The administration's bill, whose prime sponsors are Tennessee's Sen. Howard Baker and Ohio Congressman Jackson Betts, would establish revenue sharing with the states and guarantee that a good piece of the money would "pass through" to the cities. Senators Ed Muskie and Charles Goodell offered comparable legislation last session, including more money than the administration wanted to start with.

Anticipating the congressional debate over revenue sharing (now bogged down in the House Ways and Means Committee), the Treasury Department published a rather remarkable listing of how much money each state and major local unit of government would get. It's a lovely thing to read, if you are a governor, mayor or county executive starved for funds.

Congressional critics argue that: it's hard to find even the $1 or $2 billion the administration wants for the first year; there is no control mechanism to watch over the 40,000 units of local government; and that philosophically (according to the Constitution's 16th Amendment), he who raises tax money has the right to direct how it shall be spent.

But the governors, mayors and county officials holler right back that the feds grab two-thirds of the taxes, through its efficient, cold-blooded income tax system, thus leaving the locals the delightful privilege of finding new ways of socking it to the taxpayer.

Lurking in the background of this debate is the conviction of most Republicans, and many Democrats, too, that the federal bureaucracy must be greatly diminished, and that expensive programs such as urban renewal, model cities, anti-poverty, and study-grants afforded by the Office of Education be reduced to near nothing.

The billions saved from this kind of long overdue pruning, plus the big money expected to be cut from defense, space and foreign aid, would adequately fund a federal revenue-sharing program.

All this amounts to a major transformation in the way government is run. Better that local governments spend our federal tax dollars on realities like garbage collection, police and fire protection, health care, better transportation, streets and parks, than for it to go into the paperwork jungle, infested by mind-boggling, sleepy bureaucrats, money-leaching consultant firms, and long subsidized, ineffective fellows of the liberal-academic complex who thrive on studying what has already been studied, *ad infinitum*.

RELATIONSHIP BETWEEN INFLATION AND PRICES-INCOME IN TODAY'S ECONOMY

Mr. MILLER. Mr. President, an informative analysis of the relationship between inflation and prices-income in the economy today, written by John O'Riley was published in the Wall Street Journal of December 14. I think it merits the attention of the Senate. I ask unanimous consent that it be printed in the RECORD.

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

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

(By John O'Riley)

Everybody laments inflation. Nobody likes to be paying higher prices all the time. It is a rare day, though, when you hear somebody complain about his income going up. Yet higher wages and salaries are the very stuff of which higher prices are made. And thus far in the whole inflation whirlwind the incomes are running way ahead of the prices. This is not the case for every individual, of course, but for people in general it is true beyond a doubt. And it is something that should be pondered by those who expect inflation's wind to stop blowing any time soon.

At the beginning of the 1960s only a thin 14% of the families in this country had a yearly income of as much as $10,000. Last year saw 46% of the families in that category. Families making $8,000 or more (only 25% in 1960) soared to 60% last year. These are whopping increases. And further gains are certain to show up when 1970 figures are out.

There are several yardsticks of personal earnings. The record of a decade for three of them is tabulated below, along with the rise in the cost of living over the same period. The current family income is an estimate arrived at by adding a conservative 5% to the 1969 figure. Weekly and hourly pay figures cover all non-farm workers. The cost-of-living yardstick is the official index of consumer prices (1957–59 equals 100).

Yardsticks	1960	Now	Percent up
Median yearly family income	$5,620	$9,900	76
Average weekly pay	$80	$121	51
Average hourly pay	$2.09	$3.28	57
Cost of living (percent)	103.1	136.6	32

Some of the weekly pay gains have been far above the average, of course. Construction workers now average more than $200 weekly. That's a leap from $113 in 1960.

But the barometer to watch is family income. As a swelling army of housewives moves into the money-earning labor force, the husband's paycheck becomes an increasingly invalid yardstick of family buying power. The image of the typical housewife tending to her knitting and cooking while her spouse brings in all the cash is fading fast. The two-paycheck family grows apace.

Some 36 of every hundred people on non-farm payrolls today are women. In state and local governments, a field of sharply rising employment, the figure is 44.

Women aren't just in service jobs. In manufacturing where non-heavy work is involved (and machines do more of the heavy work every day) they are going strong—often out-numbering men. In the manufacturing of radio and TV receiving equipment, 53% of the workers are women. In the making of apparel and other textile products, women account for 80 of every 100 people on the job.

In general merchandise retail stores, 69% of the people at work are women, and in variety stores the figure is 78%. In the services in general, of course, the ladies are all over the place. Of all the people on bank payrolls, 63% are women. And in hospitals 81% are women.

The table below traces the revolutionary rise in housewife participation in the labor force. The participation rate figures show the percentage of married women either holding down jobs outside the home or else seeking such jobs.

[In percent]

1948	22.0
1950	23.8
1952	25.3
1954	26.6
1956	29.0
1958	30.2
1960	30.5
1962	32.7
1964	34.4
1966	35.4
1968	38.3
1969	39.6

The 1970 participation rate figure is not yet available, but all indications are that it will show more than 40% of American wives in the labor force for the first time in history.

The recent pattern of steep wage increases, and their impact on buying power, is well known. But wholly new paychecks for a family can have an even bigger impact. When Mr. Jones gets a 8% wage increase, that's one thing. But when, in addition, Mrs. Jones steps out and lands a steady money-paying job, there is a much sharper step-up in total cash flow to the family coffers.

There are some 18 million married women in the labor force today. That's almost double the 10 million of barely 15 years ago in 1955. And this is a much bigger thing than mere population growth. Population has increased only 24% since 1955.

Teen-agers, too, are contributing increasingly to family finances. Just how big the contribution is is hard to estimate, but it is a matter of record that there are nearly half-again as many 16-to-19-year-olds at work in paying jobs today than there were ten years ago. Latest count puts the country's junior paycheck drawers around six million, compared to just over four million in 1960.

The teen-age labor force has expanded 25% just since 1965, compared with a growth of only 10% in the adult labor force.

The current recession or economic slowdown, despite all the publicity attending it, and despite the undoubted hardship it has brought to the many who have lost their jobs, has had only the most negligible impact upon the massive flow of overall personal income in this country. As of the latest tally (October) such income was placed at an annual rate of just under $810 billion. A year ago it was around $767 billion.

As nearly any retailer will tell you, the consuming public, despite the high income, has shown some restraint in buying over the past year or so. Recessionary periods always affect consumers this way. Unemployment headlines make them nervous. But rarely has so much money been stashed away for future buying.

Latest figures show the public saving 7.6% of disposable (after taxes) income. You have to go back nearly 20 years to 1952 to find a year in which people saved that much of what they earned. The saving rate in 1969 was 6%.

When consumers shake off their recession jitters, they can be expected to step up their spending. Or at least they always have in the past. Keeping any kind of lid on prices in the period ahead, no matter what the fiscal or monetary policies, is not going to be easy. There is already an awful lot of steam in the kettle.

INDIVIDUAL CHRISTIAN RESPONSIBILITY

Mr. PERCY. Mr. President, my good longtime Illinois friend, Donald E. Deuster, of Libertyville, who serves in the Department of Transportation as a congressional relations officer, has published a perceptive article in the December 1970 edition of The Presbyterian Layman.

The thrust of this thoughtful article is to encourage individual Christian citizens to take a more active part in our

Nation's decisionmaking processes and particularly to write their Congressmen.

In addition to being an active Christian layman, Don Deuster has an unusual grasp of the basic philosophy of American Government and he expresses these principles, succinctly in this fine article.

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

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

CHURCH LOBBIES LARGELY IGNORED; PERSONAL LETTERS TO CONGRESSMEN ARE NOT

(By Donald E. Deuster)

Presbyterian friends often ask me, knowing that my work is on Capitol Hill, how can we Christians most effectively exert our influence on the Congress?

My answer is simple: Follow the wise old American adage and "Write your Congressman!"

Yes, one individual letter from one concerned Christian citizen means more to a Congressman than a score of visits by the so-called church lobbyists.

My experience confirms this conclusion. Having served seven years on the Hill as administrative assistant and campaign manager for my Illinois Congressman Robert McClory, and presently as a Congressional Relations officer for the Nixon Administration, I know that Capitol Hill can be a complex and confusing place.

However, there is a simple beauty about our Congress. Senator Everett Dirksen, a master of Congressional intricacies, once said: "Congress is really quite simple. When the people want something, Congress gives it to them."

Actually, there are sound reasons why the individual Christian is, and ought to be, more effective than the institutional church spokesman:

First: Individualism is the very root of Protestant Christianity. The principle of the priesthood of all believers means that each individual Christian can communicate with his God directly. Likewise, every individual Christian citizen can—and should—communicate directly with his Congressman.

Secondly: Individualism is the basis of American democracy. Real power under our system resides in the grass-roots voter, not in the lobbyist. Congressmen know this and pay greatest attention to the views of the individual constituent.

Thirdly: Congressmen are "elected" officials. Only so long as they accurately reflect the thinking of their constituents are they reelected. Error in assessing what the individual constituent thinks can spell disaster on election day and bring one's public career to an abrupt end. Accordingly, Congressmen prefer to get viewpoints straight and direct from their voters, and not gamble by getting it indirectly through a lobbyist.

Fourthly: Recent experience has taught many Members of Congress that church leaders and labor leaders do do not always speak for the rank and file. Congressmen are likely to be leery of any minister who implies that Presbyterians favor busing of school children to achieve racial balance. On such lively social questions, Members of Congress know that Presbyterians are as badly divided as any other group of Americans.

Lastly: Traditionally lobbyists perform a vital function in the quest for good government in two ways: One, they relay information back to their membership. This alerts the rank and file concerning imminent questions to be resolved in Congress. Hopefully, such information inspires individually conceived letters to the Congress. Secondly, lobbyists sometimes provide helpful information to the individual Congressmen on complicated, technical or esoteric subjects about which the Congressman needs help. An example might be what effect proposed regulations will have on the drug industry, or how an airline ticket tax might affect the airline industry.

In recent years certain church-affiliated activists have come to Capitol Hill to lobby on general moral, social or political questions such as poverty, civil rights and the war in Southeast Asia. Also, church spokesmen have injected themselves into such complicated military-defense subjects as the wisdom of an anti-ballistic missile defense system.

Normally on foreign affairs and general social concerns the Member of Congress has no great need to rely on the advice of any lobbyist. This is one reason the church lobbyists have found themselves rather ineffective.

The more experience anyone accumulates on Capitol Hill, the more he appreciates that our system of self-government is beautiful in its simplicity. The power, the value and the effectiveness of the individual voting American and the individual thinking Christian cannot, in my humble judgment, be overemphasized.

By all means do it: *Write your Congressman.*

THE TRADE ACT

Mr. BAKER. Mr. President, I rise in support of the Trade Act of 1970.

The threat of imports to America's apparel, textile, and shoe industries is not imaginary nor trumped up by these industries to get special legislation for selfish and unnecessary reasons. There is a genuine hardship being worked on these industries and the outlook, both short and long term, is for far greater market disruption by imports. This is a problem which confronts not just the apparel or textile or shoe industry in isolation but a problem which is having and will have profound effects on our entire economy.

Very briefly, this is the problem. Several foreign countries, principally those in Asia, are shipping vast quantities of textile and apparel products and shoes into this country each year—products which are produced by very low-paid and often exploited labor. These products are sometimes brought in at unrealistically low prices, prices which would not be charged even in the country of origin. This is done to gain a toehold in the market. The imports are then sold to Americans, some of them go to manufacturers for further processing, but the majority are sold to the American consumer. The markups which retailers put on imported apparel, for instance, are often greater than markups on similar domestically produced apparel items. The savings potential so widely touted by consumer groups is, therefore, often lost and goes instead to retailers.

The other important influence of imports on our economy is equal to or worse than the direct effects on the consumer. Imports of apparel and other textile products and shoes are causing severe complications in our labor force. Right now we have 2.6 million Americans gainfully employed in these three industries, one of every eight workers in manufacturing industries. All these jobs are being threatened in one way or another because of the very rapidly growing amount of imports.

The level of employment in the apparel industry throughout the Nation has been stationary for the last 4 years. All the growth in consumer demand for apparel has been satisfied by imports, while our domestic apparel industry has produced an almost unchanged number of garments each year. If imports continue to enter the United States at the same fast-growing pace that they are now, very soon the apparel industry, representing 1.4 million workers, will be employing fewer and fewer people.

My experience with the apparel industry is very firsthand, since apparel manufacturing is so widespread in my home State of Tennessee. Over 80,000 residents of my State are currently employed in the apparel industry, one-sixth of all the people employed in manufacturing in Tennessee. These people receive an annual payroll of $300 million. The level of employment in the apparel industry is of tremendous importance to Tennessee, and similar figures can be echoed by several other States. Taking the apparel, textile, and shoe industries together, I can report that 114,000 workers in my State, were working in these industries in 1969.

Factories of the apparel industry can be found in all areas of Tennessee. They are all sizes, from two or three workers up to over 1,000 employees in one plant. Many of the plants are in rural areas where they provide the principal employment in small towns. Often it is the only manufacturing plant in the town. The apparel industry employs large numbers of women—80 percent of their labor force is women—and if the small-town plant closes because of import competition, these women are often unable, because of family circumstances, to move to another area in search of employment. Women apparel workers often provide the extra income to their families which enables them to live above the poverty level or to give their children the education they could not have with only one wage earner. I know of no other industry which could possibly replace the important function of the apparel industry in employment of women.

We are concerned every day about urban problems. Control of apparel imports can help us in this area. Hundreds of thousands of apparel workers are employed in plants which are located in nonurban areas. As I have mentioned, Tennessee has many apparel plants in small towns. Those apparel workers who are able to move to seek employment when a plant shuts down will normally go into the cities. The others who are put out of work will add to our unemployment rolls and welfare rolls. Realistic control of imports will permit sustained nonurban employment of these workers.

The apparel industry plays another important role in our labor force. It is an important employer of minorities and workers with relatively low skill levels. The industry is geared to training people on the job and can use those who come to it without specific knowledge of apparel production. Unemployment is grow-

ing throughout the Nation, and unemployment is traditionally higher among the minorities and low skilled workers than among those better educated, and the apparel industry contributes significantly to our economy in this way.

I feel it is imperative that we enact effective textile, apparel, and shoe import control legislation now to prevent further erosion in these vital industries. Let me cite just two examples of substantial import disruption which affect my State and many others. There are over 11,000 workers producing hosiery of various kinds in Tennessee. In the last 2 years, imports of panty hose have increased from almost nothing to 10 percent of U.S. production. This enormous growth in imports in such a short time is having profound effect throughout the hosiery-producing sector of the industry.

Another area which has been hard hit by imports for a number of years is men's woven dress and sport shirts. Almost 11,000 people in Tennessee alone are involved in the production of these items. Imports currently equal about 40 percent of men's woven shirt production and there is every reason to believe this will grow in the future.

The apparel industry has never suggested that the United States stop apparel imports. It simply asks that orderly markets be maintained so that we can share our growing apparel demand without giving all growth and more to imports. The industry plays too vital a role in our economy to permit it to recede to a minor industry. The long-term cotton textile arrangement helped achieve somewhat orderly markets in cotton apparel and textile products when they were the most important products of these industries. Now that manmade fibers have taken over the primary place, it is imperative that this market also be made orderly. We must preserve probably the strongest force in the manufacturing sector for employing the difficult-to-employ workers. A fully comprehensive apparel, textile, and shoe import bill will assure our domestic economy that the important role of these industries will continue uninterrupted.

I urge the Senate to act favorably now on the Trade Act of 1970.

OUR ECONOMIC CHALLENGE: FULL EMPLOYMENT IN A PEACETIME ECONOMY

Mr. MONDALE. Mr. President, the veto of the Employment and Manpower Act by the President raises a profound challenge about the nature of our society and the role which Government must play.

The Government of a free economy faces no more crucial a test than its ability to insure lasting and productive employment for all those willing and able to work.

And the supreme test is to see whether a free economy such as ours cannot only maintain high employment, but can direct the energies, skills, and productive capacity of a war-oriented economy to the enormous needs of a peaceful society.

This is the double challenge we are facing—and, I think, failing—today. We must reverse the skyrocketing rise in unemployment which has added nearly a million and a half jobless to the ranks of the unemployed in the past year—30,000 in Minnesota alone. And we must reorder our priorities and apply our technology and skills to human and domestic needs such as health care, education, the restoration of our environment, the revitalization of our rural economy, and the rebuilding of our cities.

The failure of the Nixon administration to maintain economic growth and full employment is known to all—not just to the 4,600,000 jobless, but to all Americans who feel the loss of the $43 billion in wealth we have lost this year.

But the challenge of the next 2 years is not simply to put these men and women back to work. We must, at the same time, convert from an economy dominated by a war in Vietnam, by a legacy of incredible waste in the Pentagon, and by the enormous expense of placing men on the moon, to an economy devoted to the betterment of our human environment.

On top of the millions whose jobs have been sacrificed to a misguided policy of "economic restraint" will come more millions—scientists, engineers, and skilled workers—displaced by the end of a wartime economy and the hoped-for reordering of priorities. And on top of these will come the inevitable yearly addition—over a million a year—to the labor force: Returning GI's, young people seeking their first jobs, and college graduates—800,000 in 1974 alone—all seeking the jobs that are inadequate for our labor force of today.

I welcome the cuts which have already been made in the space and Pentagon budgets. The Congress last year cut $6.5 billion worth of waste from the Pentagon budget. And I think we have a healthier society and a healthier defense capability because of it.

But you cannot eliminate nearly 1 million jobs without redirecting these skills and facilities into those areas of desperate domestic need. Over 370,000 civilian jobs and 450,000 Government jobs had been eliminated by this summer with nearly a million more to be directly or indirectly lost within the next year.

Minnesota with some 30,000 defense-generated jobs, has lost perhaps 5,000 of these since the peak year of 1968. Scientists, engineers, and highly skilled workers are discovering for the first time the tragedy of unemployment and the fundamental hollowness of an economy fed by war, space, and Pentagon waste.

Like the war-fed inflation, the wartime economy was inherited by the present administration. But like its policies toward inflation and unemployment, the policies of this administration toward the grave problems of defense conversion have been totally lacking. In fact, there is no real policy today toward the conversion from wartime to peacetime production—anymore than there are policies to make jobs for the millions of unemployed or for the control of our persistent inflation.

Like its approach to every other economic problem, the "policy" of this administration toward defense conversion is to "wait and see"—to "let the market adjust"—and to allow millions of highly skilled and highly educated men and women wonder why they cannot begin now to put their knowledge to work on our environmental crisis, our desperate housing shortage, our archaic transportation system, our crumbling cities, or our sick and malnourished.

We have taken the first steps—however small and tentative—toward an end to the war in Vietnam and a reordering of our national priorities. Let us not throw away the limitless potential of this step by proving ourselves unable to realize what we can do with these resources. Let us not step from the wasted billions upon moon shots, armaments, and unnecessary Pentagon hardware to the even more unconscionable waste of still higher unemployment.

We cannot afford to stumble into the blessings of peace with no adequate plan.

We cannot afford to reorder our priorities only halfway, cutting out billions of dollars of Pentagon waste without redirecting those billions into productive work.

The Congress has faced up to its responsibilities to provide a positive program for reordering our priorities. We have added funds for education, over the President's veto. We have continued the Hill-Burton hospital construction program, also over the President's veto. We have added funds for water pollution and for urban renewal. We have refused to accept the administration's ill-advised cuts in health research. We have added funds for veterans' medical care.

But the most important action taken by this Congress to deal with our festering economic crisis was the Employment and Manpower Act. This act gave the administration the basic structural reforms which it sought. But the President vetoed the bill, essentially because of its job-creation provisions.

Referring to the public service jobs which the bill authorized, the President said the program would "relegate large numbers of workers to permanent, subsidized employment." He said "Such a program would limit, not expand, individual opportunity."

Why does the President suddenly find that public service employment is inherently undesirable? In 1969, 12.7 million people in the United States worked for Federal, State, and local governments. Perhaps the biggest single category of public employment is teaching school. Is a school teacher's job any less "dead end" than the teacher's aid positions which the bill would authorize?

These new positions would be proposed by State and local officials for performing needed public services. Could it be that the President's objection was based on the fact that these jobs would be subsidized by the Federal Government? What about the billions of dollars of Federal grants which now "subsidize" road building, and water pollution, and elementary education, and meat inspection, and flood control, and medical research? It can not be simply

that these jobs would be federally subsidized. Indeed, the administration has agreed to support the proposed public service jobs for welfare recipients which will be offered as an amendment to the family assistance program.

Public service employment has been growing steadily in the United States. It has more than doubled in the last 20 years, from only 6.4 million in 1950 to about 13 million today. The total number of new public service jobs authorized in the fourth year of the Employment and Manpower Act would be under 400,000. This is only equal to the annual increase which we have been experiencing in public employment.

What the manpower bill would do is make it possible for hard-pressed States and cities to offer badly needed services for example, in nursing homes, day-care centers, hospitals, and schools. Public improvements would also be aided, such as parks, roads, urban renewal, and pollution control.

Mr. President, the Congress has conceived an imaginative and far-reaching approach to dealing with the problem of persistent unemployment in an inflated economy.

Apparently, the administration does not accept this approach because it conflicts with the President's "game plan" for cooling the economy. As everyone now realizes, this plan depends on putting more and more people out of work. Since last November, 1.9 million have been added to the ranks of the unemployed—raising the figure to 5.8 percent of the work force, or 4.6 million people. This is the highest unemployment rate in 7½ years.

I think it is time for the administration to stop playing games with American workers. What we need is more jobs. Our bill would provide those jobs. I hope that the House and the Senate will meet their responsibilities and vote to enact this landmark bill over the President's veto.

THE NOMINATION OF JOHN B. CONNALLY TO BE SECRETARY OF THE TREASURY

Mr. BAKER. Mr. President, President Nixon has made a sound choice in his nomination of former Gov. John B. Connally of Texas as the new Secretary of the Treasury. Mr. Connally has wide experience in both State and national government. He is widely respected in this body, and I would anticipate that his policies will be given a fair and thoughtful hearing in the Congress.

Beyond Mr. Connally's obvious qualifications, he will bring added weight to his post as the top member of the Democratic Party in the Nixon administration.

There is great significance in having a Democrat handling a major portion of the economy during a Republican administration. There is no other area which so vitally touches lives of all Americans as the national economy. There are few other areas so deserving of a bipartisan approach.

I fully expect that Mr. Connally will work in harmony with the policymakers of the Nixon administration. And, I also expect that this new partnership will bring an economic policy which wins the support of both parties.

THE LEGAL SERVICES PROGRAM

Mr. PACKWOOD. Mr. President, as I am sure my colleagues are aware, the Finance Committee report on the Social Security Amendments of 1970, recommended that language be added that would "prohibit the use of Federal funds to pay, directly or indirectly, the compensation or expenses of any individual who in any way participates in action relating to litigation which is designed to nullify congressional statutes or policy under the Social Security Act." What such an amendment would do, if it were to pass, would be to give ammunition to those who claim that it is impossible to bring about change by working within our system of government. For it would have the effect of giving legislative support to the repeated charge that the courts work better for the rich than the poor. It would effectively prevent many of those Americans who benefit from welfare legislation from requesting judicial determination of the legality of provisions of that legislation. It would say to the poor that unless they could scrape up the money to hire a private attorney the legal system was not for them.

Mr. President, the basic premise behind the legal services program is that the poor should have the same opportunity to use the legal system to resolve their grievances as those citizens who are fortunate enough to be able to afford their own attorney. It would make a mockery of our professed commitment to the rule of law if we were to pass an amendment which would effectively prevent the poor from using the legal system in those very areas which are most important to them.

The committee report then continues "if the welfare statutes are inadequate, and there is little disagreement on this point then the proper forum for improving them is the legislative branch of our Government, not the judicial." Mr. President, I would submit that the reason legal services attorneys have been taking welfare litigation into the courts is because the administration of the statutes has raised legal questions.

I share the concern of the committee as to the state of the present welfare statutes. However, I believe the amendment in question, by its effect of denying the poor access to the courts, would only make this situation more intolerable.

THE OCCUPATIONAL HEALTH AND SAFETY BILL

Mr. SCHWEIKER. Mr. President, I wish to give my full and enthusiastic support to the conference report on S. 2193, the occupational health and safety bill.

As a member of the Labor and Public Welfare Committee and its Subcommittee on Labor, I have taken an active role in the deliberations on this bill, first at the subcommittee level, then in the full committee, on the floor and finally, in the conference committee. I am proud of the final result, because we have fashioned a bill that should mean real progress in the fight against on-the-job injuries and diseases.

While this bill is strong legislation rising to the great need for it, it is also written in a fair and workable way. Thus I hope it will result in the cooperation among labor groups, the business community and the Federal Government toward the common aim we all are seeking—safe and healthful working conditions for every American worker.

DEATH OF RETIRED AIR FORCE GEN. THOMAS S. POWER

Mr. MURPHY. Mr. President, last Friday at the funeral of retired Air Force Gen. Thomas S. Power, the Reverend John J. Ruef of the Most Holy Redeemer Church of New York delivered a beautiful and timely eulogy which said so much about this great American.

Retired Air Force Gen. Thomas S. Power, who from 1957 to 1964 held the awesome responsibility for triggering the United States nuclear might in the event of all-out war, died of a heart attack last Sunday night in his home near Palm Springs. He was 65.

General Power headed SAC during one of the most critical periods in U.S. history. It would have been his job to send nuclear bombs and missiles winging toward targets if Presidents Eisenhower, Kennedy, or Johnson had so ordered.

I ask unanimous consent that this eulogy including a quote from General Power's book, "Design for Survival," be printed in full at this point in the RECORD.

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

EULOGY FOR GENERAL THOMAS SARSFIELD POWER, CHAPEL, FT. MEYER, VA., DECEMBER 10, 1970, BY FATHER JOHN J. RUEF, C.SS.R.

"When a strong man well armed guards his house, his goods are secure: But when a man stronger than he shall come upon him, and overcome him, he takes away all his armor wherein he trusted and divides his spoils." Luke 11:21, 22.

Mrs. Power, Mr. & Mrs. Knoles, distinguished friends and associates of General Power:

General Power used the above text as the theme for his book: *Design for Survival.*

The first verse of this text might well be carved on his headstone for it aptly describes the life of this great American. "When a strong man well armed guards his home, his goods are secure . . ."

We are all well acquanted with the distinguished career of General Power. As a man, as a husband, as an officer and as an American, he was a tower of strength. For thirty-seven years his strength as a military officer helped defend the homes, the families and the freedoms of America. During World War II he was a flying colonel in North Africa. Then as an operations officer he helped bring an early end to the war in the Pacific through bombing missions over the main islands of Japan. And later, he forged the Strategic Air Command into the mightiest power for peace in the history of mankind.

General Power personally witnessed the advent of nuclear weapons. He was active in promoting the scientific developments which have given us today's supersonic aircraft and sophisticated missiles. Yet, through all this

he never forgot that man is the ultimate weapon. He was strong in the support of his men and of their families. He developed, especially in his beloved SAC crews, an enviable sense of dedication and professionalism. He was the kind of man who would take the time to charm the ladies at a wives' club meeting, and who would spend evenings helping establish a private school for military dependents and another for the handicapped.

Near the end of his book he wrote: "But while it takes military superiority to win wars, it takes far more to prevent wars. Military strength for war becomes political strength for peace only when it is supported by the sum total of every deterrent inherent in a strong and united nation. For deterrence is more than bombs and missiles and tanks and armies.

"Deterrence is a sound economy and prosperous industry. Deterrence is a scientific progress and good schools. Deterrence is effective civil defense and the maintenance of law and order. Deterrence is the practice of religion and respect for the rights and convictions of others. Deterrence is a high standard of morals and wholesome family life. Deterrence is honesty in public office and freedom of the press. Deterrence is all these things and many more, for only a nation that is healthy and strong in every respect has the power and will to deter the forces from within and without that threaten its survival."

America needs this kind of strength today. Great nations rise and decline. Such is the relentless rhythm of history. Many of us are alarmed at what we witness today: such as the cancerous growth of our welfare rolls and the desperate, dangerous drift of so many young people.

General Power looked to the skies. We can well look to the heavens. When Neil Armstrong took that small step onto the surface of the moon it was indeed a great step for mankind. The almost incredible feat of human ingenuity which made this step possible must serve to remind us that God has not left man the helpless victim of blind forces. Man does have the potential, the intelligence to overcome the forces that buffet him, if only he has the will and the strength to do so.

Thus again: "If a strong man well armed guards his house, his goods are secure . . ."

General Power looked to the future with guarded hope. In the last paragraph of his book, he wrote: ". . . I see much reason for concern but also for confidence. I am concerned because I am not convinced that there is sufficient recognition of the nature and gravity of the threat to our security and welfare. Still I am confident that we can meet this threat, as we have met the threats of the past, as long as our citizens maintain their inflexible determination to survive as a people and prevail as a nation."

Christianity is not "pie in the sky", not "the opiate of the people". The real Christian must be deeply involved in promoting justice and human dignity here, so that God's kingdom may come and His will be done on earth . . . as it is in heaven. In the gospel reading Christ describes the reward given to him who offers his brother even a cup of water. How much more does General Power deserve for the years he has given to protect the dignity and the freedoms of his fellow Americans.

General Power was an avid fisherman. Christ loved the fishermen of Galilee; Peter and James and John. May He now welcome into their company General Thomas Sarsfield Power, a good man, an outstanding officer, a great American.

TRADE TIES BETWEEN THE UNITED STATES AND ISRAEL

Mr. SAXBE. Mr. President, I received a letter from the American Bar Association inviting me to participate in a conference to discuss the legal problems of strengthening trade ties between the United States and Israel. The conference titled "Doing Business in the United States and Israel" will be held in Tel-Aviv, February 8–10, 1971.

This is an important conference, and I am honored by the American Bar Association invitation to participate in it.

Congratulations are due to those who have made this conference possible. The Small Business Administration (SBA) played a part, and within the SBA, credit goes to Marshall J. Parker, associate administrator, procurement and management assistant, who operates that agency's foreign trade program. His leadership, wisdom and perception of the small exporter's interest, and consequent SBA cosponsorship of this conference, deserves the highest commendation.

For the past 20 years, Israel has been one of the fastest growing, most dynamic societies in the world. We, who are primarily concerned with Israel's viability and development, recognize that Israel's achievements in maintaining a real gross national product growth rate, while fighting a war for survival, is a record matched by few.

Israel is a leader among nations in its progress in national development. It serves as a model for other less well advanced countries. Israel has much human talent and technical expertise and a body of development experience rare even in the United States. It makes this skill and experience available to aid other countries and helps speed the process of their development.

It is, therefore, in the interest of the United States to expand trade with Israel and, in so doing, impart a new energy and meaning to the pattern of partnership which binds our two countries.

The SBA, by furthering this partnership, is broadening the ranks of aid donors and is establishing a precedent of importance.

We hope SBA will continue this farsighted policy and extend this type of trade promotion to other friendly nations.

THE 91ST CONGRESS ACTION GIVES HISTORIC RECOGNITION TO SMALL BUSINESS IN ENVIRONMENTAL AND CONSUMER ERA

Mr. BIBLE. Mr. President, as chairman of the Senate Small Business Committee, it is gratifying to be able to report that the 91st Congress has distinguished itself by granting what I feel should be considered an historic recognition of the role of small business in this era of increasing environmental and consumer concerns.

Small businesses, which constitute 95 percent of every line of commerce, have played an indispensable part in the growth of the country. As we come further into the period of multiplying environmental and consumer concerns, however, it is natural that the role of small business would require some redefinition at this point, and continuing evaluation in the future.

Those who work with small business are aware of its valuable place in the new economic circle if we want to make our daily life more livable and pleasant. We know that small businesses make merchandise and amenities widely and conveniently available in every part of our cities and small towns. We have seen that they can combat inflation by competing to keep prices lower and quality higher. They give services which tend to be more personal and reliable; they maintain community control and local flavor and variety in our commercial life. New and small firms are a natural outlet for young people and the energetic and imaginative of all ages with better ideas. In short, we need more and stronger small businesses to improve the quality of life in America.

However, the long list of worthy consumer, health, safety, pollution, and sanitary standards which Congress has placed on the statute books during the past 5 years has had the unintended and unfortunate side effect of imperiling the very existence of entire segments of the small business community.

Deadline dates were imposed, and Government administrators were given the power to permanently shut down noncomplying firms without compensation. As a result, literally thousands of firms—about 7,000 in the meat packing industry alone—in the small business community felt threatened, and actually were threatened, at many points by our citizens who sincerely wished to upgrade our common life through the avenue of legislating higher environmental and consumer standards.

Accordingly, these two groups appeared to be in direct conflict. This situation was aggravated when businessmen setting out to comply with the new standards ran into record high-interest rates and tight money at their banks, coupled with a sharp cutback of Small Business Administration loans. As compliance deadlines approached inexorably, interest rates touched peaks not seen since the Civil War. Loan funds for the required new plants and equipment were virtually unavailable in some parts of the country. As firms struggled under these conditions, we found an increasing atmosphere of desperation among small business.

SACRIFICE OF SMALL BUSINESS WOULD BE A TRAGEDY

It was my feeling that it would be a national tragedy if the country's obvious desire to upgrade our technical standards greatly diminished the quality of our economy and commerce, and eventually the quality of daily life for all of us. It seemed to me a manifest injustice for the Federal Government to be closing down, without legal recourse, thousands of small businesses which were making every reasonable effort to comply with the laws.

Thus, during the 90th Congress—in May 1968—I submitted a resolution—Senate Resolution 209—asking the Small Business Administration to study the impact of the new laws, as exemplified by the Wholesome Meat Act, on small business. Of course, the new meat standards were having a direct impact in my own State of Nevada and other neighboring Western States. Then, on April 1, 1969, I was joined by the distinguished chairman of the Senate Banking and Currency

Committee (Mr. SPARKMAN) and 11 other Senators from every part of the country in introducing a bill which would provide emergency loan assistance through the disaster loan program of the SBA. This bill, S. 1750, was designed to allow the small business community to adjust to the environmental and consumer era; and to continue their record of good service to their owners and employees, their customers and communities.

CONGRESS RISES TO THE QUESTION

Mr. President, I am proud of the record of the 91st Congress in this regard.

Three committees each in both the House and the Senate accorded recognition to these questions. Hearings were held followed by deliberations in executive session which brought legislation to the floor of both of these great bodies. Then, the Senate and House of Representatives, in Congress assembled, acted decisively.

Let me cite the milestones in this record:

First. In December, 1969, Congress approved the Federal Coal Mine Health and Safety Act—Public Law 91–173—which provided relief to small mine operators required to meet the new requirements imposed by this legislation;

Second. In mid-December of this year, the House-Senate Conference considered two occupational safety and health bills—H.R. 19200 and S. 2193—and approved a final version which contains similar provisions for relief to small firms in complying with this measure; and

Third. On December 14, the Senate completed congressional enactment of H.R. 19888, which extended similar emergency loan eligibility to firms affected by the Wholesome Meat Act of 1967, the Wholesome Poultry Products Act of 1968, and the Egg Products Inspection Act of 1970.

By the terms of the legislation we have proposed, the loans will be for the purpose of complying with specific standards erected by Federal—or equivalent State—legislation under definite deadlines. The loans will not be subsidized but are intended to be at an interest rate equal to the cost of money to the Federal Government plus one-fourth of 1 percent.

However, the significant point is that Congress has acted to resolve the conflict between consumers, conservationists, and all concerned with our environment on one side and businessmen on the other. Congress has accorded this recognition to small business not only in rhetoric, but in a tangible way, by making money available to ease the dilemma. This series of enactments will, in my opinion, make small businessmen full partners in progress again rather than its imminent victims.

I am pleased that our Small Business Committee could play a part in this drama by its work in the technical drafting of the language which served as a vehicle for the wider congressional consideration of the issues, and by providing background to those committees and Members who were interested. We can all rejoice at this kind of creative lawmaking.

I believe the committees concerned, the leadership of both the House and the Senate, and Representative NEAL SMITH, of Iowa, Representative GRAHAM PURCELL, of Texas, and Representative TOM FOLEY, of Washington, as House sponsors of the agribusiness provision, should be commended by all concerned with these matters.

FOCUS NOW SHIFTS TO IMPLEMENTATION

These enactments will leave some gaps, which we can attempt to fill in the coming years. We also have still ahead the implementation of these statutes by the SBA and the executive branch of the Government. It will be of prime importance to inform small firms under Federal deadlines of their alternatives, and to have simple and workable procedures so that the needed loan capital can be obtained in time.

I have conferred with the House sponsors of these measures, and we have agreed that the next step to be taken is to ask the Small Business Administration for its views on how these acts should be implemented without delay.

With the background of Senate Resolution 290, the Small Business Administration has been pursuing its study of the financial needs of the meat industry in complying with the deadlines of the Wholesome Meat Act of 1967. We feel that this work should now be well along toward completion. This extensive effort will give the agency an excellent factual basis for prompt recommendations to the Congress and the President to keep small meat, egg, and poultry businesses, as well as small coal mines and others subject to new occupational safety standards, in business in cities and towns across the Nation.

I have undertaken to make this request of the Small Business Administration, stating that we wish to be helpful in bringing about prompt and full implementation of these relief laws.

STEP TOWARD COMPASSIONATE GOVERNMENT

In my opinion the precedents have now been established by the three acts which I have cited. Congress has shown it continues to care about small business as a part of our national life in the environmental and consumer era, and that it will back up this concern by appropriate action. By doing so, a giant step has been taken toward keeping our Government and our economy more compassionate and more serviceable for all of our people.

THE VICE PRESIDENT'S ADDRESS AT THE REPUBLICAN GOVERNORS' CONFERENCE

Mr. GRIFFIN. Mr. President, a few days ago the Vice President spoke before the Republican Governors' Conference at Sun Valley.

I ask that the 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:

REMARKS BY THE VICE PRESIDENT, REPUBLICAN GOVERNORS' CONFERENCE DINNER, SUN VALLEY, DECEMBER 15, 1970

I've always regarded Republican Governors' Conferences as family gatherings, and I still consider myself a member of the family despite the urgings of some rather astute long-term outside observers who would like to have me turned out as a black sheep.

I must say I am to some extent encouraged by the reception I have had from some of my old friends here who may not be every moment ideologically compatible with me but who nonetheless have taken the opportunity to reaffirm our personal friendship and relationship and mutual trust and in the process of that in no uncertain terms to, and I stress this word, impliedly disavow some of the reports that have eminated from sources that I prefer not to believe.

Families get together in bad times as well as good times. In lean years as well as fat years. This can hardly be described as a halcyon year for Republican governors, but neither could 1966 be described as a halcyon year for Democratic governors.

But out of adversity comes a familial closeness that never exists in times of plenty. So in 1971, Republican governors must close ranks solidly behind our leaders who remain in State Houses around the country and behind our President in the White House.

Some of our most talented associates have fallen in political combat. But I would remind you that they are not dead, they are only temporarily disabled. They need our rehabilitative political care so that those who wish to can return again to active duty. And we hope it's soon.

What they do not need, those who have fallen in the political wars, are excuses and rationalizations for their defeats. What is not needed is the assessment of blame—they don't need it, and neither do those whose shoulders occasionally become repositories of the fault. The don't even need it when it masquerades as constructive criticism.

You may then ask—how do we correct our political mistakes—the mistakes that caused our losses in the recent election.

Well, I have to answer this way. When "cause and effect" are ascertainable, constructive criticism can certainly help and is a good corrective device.

But I say to you that when you look at political elections, who is in a position after an election to decide the factors that contributed to a victory or to a defeat? I contend that the causes of victory or defeat in a political election are as opaque and indefinable after as before the vote.

Therefore, the assignment of blame—even though it may be labeled as constructive criticism—is an opinion exercise which may very well, if taken seriously, mandate changes in strategy which could be conductive to further weakening.

You know, it is possible to make a wrong judgment on what lost or won an election.

I, for one, am not ready to accept the analyses of columnists and commentators who are ideological antagonists.

Such changes in direction that we, the Republican establishment, decide to make as a party should result from our own analyses—not that of the opinion makers of academe and the media. I mean, after all—where were they when we needed them?

So I've come—in this time of trial and tribulation—to consult with my brothers—and if necessary to debate with them—and if convinced by logic—to make changes and to be their advocate for change.

And I am wholly convinced that out of our meeting tomorrow will come the strength of consolidation and unity—regardless of certain outside attempts to generate chaos and division—mostly for the excited consumption of the sensation-minded among the so-called expert observers.

During Campaign '70 we divided along traditional adversary lines—that's our free system.

You know, nothing is more unreasonable to me than the cries of "Mr. Vice President, you are dividing the country." What is an election if it is not an attempt to divide the

voters of the country between two or three candidates who are seeking an office? Heavens, if they didn't divide, we might never have a result. After all, that's our free system.

Now we must return to majority government—with the emphasis on the loyal opposition, but never opposition at the expense of allowing elected officials to exercise their mandate to govern.

And that's important because our political climate is a matter of stress. Now the stresses during the campaign were (garbled) excitable and excited contests that occur between two individuals. I have said to people who have been constrained to label my partisan attempts during the last campaign as divisive, "Have you ever run against an incumbent? Have you ever attacked an incumbent so that you could be elected to an office?" Now I say to all those governors here tonight that if you have never run against an incumbent, perhaps you don't know what it is to be partisan and divisive. But when you have to fight the establishment of an "in" vote there is only one way—attack. We attacked—we think constructively. Everything we said certainly was not negative.

Now that fundamental of our constitutional system of partisan elections applies to winners and to losers—and the idea of uniting after a hard partisan campaign applies to winners and losers, to Democrats and Republicans, and it must continue to apply until we again flex our muscles in the elective arena and after a hard fight transfer power in the way that it has always been done in the American free system—through the will of the majority of our citizens—just as we have all through our history as the United States of America.

WILLY BRANDT KNEELS

Mr. CHURCH. Mr. President, Nazi Germany's system of death camps, wherein millions of Jews met forced death, is one of the most horrible landmarks in human history. Twenty-five years have passed since the first evidences of the camps were uncovered by American troops advancing into Germany. The camps are now closed and the relatively few survivors have been repatriated. However, no indemnity can compensate—or erase—that dreadful episode.

But a national leader can be big enough to signify genuine remorse. And West Germany Chancellor Willy Brandt recently made such a dramatic gesture this month when he traveled to Warsaw and knelt at a monument to the Jewish victims of the Nazi occupation of Poland.

Edward P. Morgan, during one of his nightly network radio commentaries, discussed the possibilities that the gesture of Chancellor Brandt holds for Europe.

Mr. Morgan suggested that—

An impulsive gesture of the heart may be worth a ton of diplomatic wordage in trying to compose differences between nations.

An expression of sorrow does not raise the dead, Mr. Morgan pointed out, but the gesture "has perhaps been a beginning, which is all that Brandt could hope for."

Mr. President, I ask that Mr. Morgan's entire comments relating to the Chancellor's gesture of remorse on behalf of his nation be printed in the RECORD at this point in my remarks.

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

WILLY BRANDT KNEELS

As somebody once said, a picture is—or can be—worth a thousand words. By the same token, an impulsive gesture of the heart may be worth a ton of diplomatic wordage in trying to compose differences between nations.

The cameras caught such a gesture, or so it seemed, yesterday in Warsaw. West German Chancellor Willy Brandt who, by the technicalities of protocol, needn't have made the journey, was en route to the pompous, glittering former Radziwill Palace in the Polish capital to sign a treaty designed as a first step in the reconciliation of those historic enemies, the Poles and the Germans.

But on his way, Brandt stopped to lay a wreath at the stone monument erected in memory of the half million Jews whom the Nazis killed mercilessly in the Warsaw ghetto during World War II. Suddenly, the dispatches said, the chancellor sank to his knees before the monument and bowed his head "in a spontaneous gesture of sorrow."

Nobody will be raised from the dead by that single act of contrition. Nor has it visibly dissolved the mute bitterness on the faces of what small crowds of Poles have gathered so far on the occasion of Brandt's visit. Bitterness fixed by the memories of five awful years of occupation by Hitler's Wehrmacht and SS troops is not lightly dispelled.

Yet this has perhaps been a beginning, which is all that Brandt could hope for. In return for recognizing what no previous West German chancellor could dare to do, the Oder-Neisse line as Poland's western boundary, involving the loss of some 40,000 square miles of former German territory, what does the Bonn government get?

Tangibly, almost nothing. But the Gomulka Communist regime has publicly pledged—though it is not mentioned in the treaty—to facilitate the emigration of some "tens of thousands" of Germans, providing their German origin is indisputably fixed.

None of this is likely to delight the stern, aging boss of East Germany, Walter Ulbricht. But Moscow, obviously, is less interested in Ulbricht than in an atmosphere of detente across Europe.

Detente can be a dangerous word if it reflects an attitude of carelessness, of unwariness of the hard facts of international power politics.

Moscow's motive, of course, is to create a situation which will impel the withdrawal of American troops from Europe and the ultimate collapse of NATO.

But so far Brandt, in pushing his Ostpolitik, seems fully aware of the difficult balancing act involving the security of the West.

A political candidate is often wont to say that nobody is for him but the voters. Sometimes this is either wishful thinking or an attempt to disconcert the opposition. But sometimes the boast is proved right and people respond. It is easy enough to lose sight of people in local elections. It is easier still when nations joust with each other in the game that is too often misnamed statesmanship. Yet nations are still comprised of people, human beings, and they can be moved from the heart—which Willy Brandt may have done at the Warsaw ghetto memorial yesterday.

THE DEEPER UNREST—QUESTIONS CONCERNING ECONOMY, ENVIRONMENT, POPULATION, AND THEIR IMPACT

Mr. CHURCH. Mr. President, perhaps never before in the history of the nation-state has one country undergone such detailed analysis of its faults of omission and commission. Some of these have been extravagant in their condemnation and others have been exceedingly superficial. These, therefore, have fallen of their own weight. Occasionally, there has been temperate and mature criticism and one such example has recently come to my attention. I refer to a succinct and lucid appraisal set forth by Kingman Brewster, Jr., president of Yale University, in an address appropriately entitled "The Deeper Unrest."

Mr. Brewster poses four crucial questions involving the economy, environment, population, and the impact of mass technology upon the human spirit. Coupled with these questions is an expression of concern that the American people may be misled into believing that the problems confronting us can be resolved by other than a "rigorous, rational attack." Mr. Brewster makes it clear that these problems cannot be bombed away or resolved by sloganeering.

An excerpt of his remarks was recently printed on the editorial page of the Washington Post. I ask unanimous consent that this excerpt be printed at this point in the RECORD.

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

AN AGENDA FOR "THE DEEPER UNREST"

I think the next two years are absolutely crucial. We have an agenda before us of terribly important and terribly complicated problems.

How to reconcile the conservation of nature with the predatory effort to meet urgent material needs?

How to keep the birthrate from overrunning the planet without regulating the most intimate details of human personal freedom?

How to control bargains which legislate the destiny of the economy without impairing freedom of contract?

How to reconcile the sovereignty of the individual with the tradition of national sovereignty in a world capable of self-destruction?

Perhaps the most difficult of all, how to realize the incentives and rewards of a technological society so that people are encouraged to contribute to each others' capacities and opportunities?

Finally, how to restructure the channels of persuasion and the apparatus of politics so that the discourse on these problems may in fact encourage the consideration of all worthy ideas and permit the best to compete for acceptance.

I have three worries. I worry that the young will not be patient enough to address themselves to this agenda. They have been spoiled. Spoiled, not by affluence but by the experience of two great issues which were so clear that all they required was a willingness to bear witness to moral outrage. One was civil rights. The other was the Vietnam war. The agenda I propose is not that simple. It will yield only to sustained rigorous, rational attack. It will require more of debate than of demonstration.

My second worry is the overwhelming dominance of spot news and personality. People not problems are the stuff of television. The personalities of presidential sweepstakes are too likely to crowd serious presidential issues off the screen. Somehow we must insist that men be tested by their willingness to address the serious agenda.

So finally I return to my third and most basic worry. I worry that the established society, out of both timidity and smugness, will try to avoid if not suppress serious address to our agenda.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR DEPARTMENT OF TRANSPORTATION CONFERENCE REPORT TO BE THE PENDING BUSINESS TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate convene tomorrow, the Department of Transportation conference report be the pending business.

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

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 7 o'clock and 11 minutes p.m.) the Senate recessed until tomorrow, Friday, December 18, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17 (legislative day of December 15), 1970:

U.S. DISTRICT COURTS

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan.

DIPLOMATIC AND FOREIGN SERVICE

Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the Board of Directors of the Overseas Private Investment Corporation for the terms as indicated.

For a term of 1 year

Robert F. Buck, of Washington.
Clifford H. N. Yee, of Hawaii.

For a term of 2 years

Allie C. Felder, Jr., of the District of Columbia.
Daniel Parker, of Wisconsin.

For a term of 3 years

Gustav M. Hauser, of New York.
James A. Suffridge, of Virginia.
Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation.
Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

The following-named persons to be members of the Board of Directors of the National Corporation for Housing Partnerships for the terms indicated:

For a term of 1 year commencing October 28, 1970: Peter John Bertoglio, of California.
For a term of 3 years commencing October 28, 1970: Ray A. Watt, of California.

U.S. DISTRICT COURTS

Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California.
H. Kenneth Wangelin, of Missouri, to be a U.S. district judge for the eastern and western districts of Missouri.
William H. Webster, of Missouri, to be a U.S. district judge for the eastern district of Missouri.

HOUSE OF REPRESENTATIVES—*Thursday, December 17, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come ye and let us walk in the light of the Lord.—Isaiah 2: 5.

O God, who art the strength of all who put their trust in Thee and the joy of every loving heart, we thank Thee for the happiness and hope which pass around the world at Christmastime. Grant that no obsession with things may keep us from the values these advent days represent. In the midst of the commercialism of this season help us to lift our eyes to Thee and to become conscious of Thy presence without whom there would be no Christmas and with whom Christmas is always a reality.

This day may we put first things first, last things last, and thus serve Thee and our country with all our hearts, in the spirit of Jesus Christ our Lord. 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 had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;
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.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes; and
H.R. 19911. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 19885) entitled "An act to provide additional revenue for the District of Columbia and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. MATHIAS, and Mr. SPONG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19911) entitled "An act to amend the Foreign Assistance Act of 1961, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. GORE, Mr. CHURCH, Mr. AIKEN, Mr. CASE, Mr. COOPER, and Mr. WILLIAMS of Delaware to be the conferees on the part of the Senate

The message also announced that the Senate agrees 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. 6114) entitled "An act for the relief of Elmer M. Grade."

The message also announced that the Senate agrees 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. 17809) entitled "An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4. An act to establish the Big Thicket National Park in Texas.

CEREMONY HONORING SPEAKER McCORMACK

(Mr. ALBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALBERT. Mr. Speaker, one of the most deserved and touching ceremonies I have ever witnessed took place in the caucus room of the Cannon House Office Building today. On this occasion, the employees of the House of Representatives honored the Speaker by giving him a book signed by all of them and presented in his name a plaque to be called "The John W. McCormack Annual Award of Excellence" on which each year the name of the House employee, who performs the most valuable service for the House, will be inscribed. This plaque will be hung in a conspicuous place on the House side of the Capitol and will be a permanent part of the House and its heritage.

The employees paid the Speaker a tribute which expressed both their high regard and deep affection. In responding, the Speaker made a remarkably beautiful spontaneous speech which brought tears to the eyes of many in attendance. It was evident that every-