SENATE—*Saturday, December 19, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. 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 Spirit, we thank Thee that Thou hast revealed thyself in the vast stretches of nature, in the tumultuous events of history, in the mighty deeds of men, and also in tiny things like an atom or a baby.

We thank Thee, O God, that Thou didst not come a giant to little folk but a baby nestling in the heart of humanity. We thank Thee for the wise simplicity of the manger-scene. At this season may we come to know the mighty power of love, the beauty of motherhood, the simple trust and open faith of a little child. May we see beyond the visible the message of the invisible. May we this day open our hearts to divine love, to think as the Man of Nazareth thought, to sacrifice as the Man on the cross sacrificed, and to help bring to fulfillment the promise of Bethlehem "Peace on earth among men of good will."

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 19, 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 Friday, December 18, 1970, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1489.

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

SOUTH PACIFIC COMMISSION

The Senate proceeded to consider the joint resolution (H.J. Res. 1162) to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission which had been reported from the Committee on Foreign Relations with an amendment on page 1, line 9, after the word "exceed", strike out "$325,000" and insert "$250,000".

The amendment was agreed to.

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

The joint resolution 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. 91-1477), explaining the purposes of the measure.

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

PURPOSE

House Joint Resolution 1162, as proposed to be amended by the committee would raise the authorized limit on annual U.S. contributions to the South Pacific Commission from not to exceed $200,000 a year to $250,000.

BACKGROUND

The South Pacific Commission was created in 1948 by the six countries then having administrative responsibilities for territories in the South Pacific: Australia, France, the Netherlands, New Zealand, the United Kingdom, and the United States. The Netherlands withdrew when it ceased to be an administering authority, but two newly independent nations—Western Samoa and Nauru—have joined. The following table gives the present membership and assessments:

	Percent
Australia	31
United States	20
United Kingdom	17
New Zealand	16
France	14
Western Samoa	1
Nauru	1

It is expected that Fiji will become a member in the near future.

The purpose of the Commission is to promote the economic and social advancement of the people in the area. Its role in this task is entirely advisory and consultative, consisting of research, training, technical conferences, seminars, and other means of supplementing and complementing the programs carried on by the metropolitan powers and independent countries in the area. It has been described as a "sparkplug" organization and one which the peoples of the South Pacific area consider to be "their organization." There is no other regional organization in this area and the U.N.'s modest programs there are coordinated by the South Pacific Commission with those of its member nations.

HEARINGS RELATING TO VARIOUS BILLS TO REPEAL THE EMERGENCY DETENTION ACT OF 1950

The concurrent resolution (H. Con. Res. 788) authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session, was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1478), explaining the purposes of the measure.

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

House Concurrent Resolution 788 would authorize the printing for the use of the House Committee on Internal Security of 3,000 additional copies of the publication entitled "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," 91st Congress, second session.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$6,624.70
2,000 additional copies, at $1,585.95 per thousand	3,171.90
Total estimated cost (H. Con. Res. 788)	9,796.60

PRAYERS OF HOUSE CHAPLAIN

The concurrent resolution (H. Con. Res. 789) to provide for the printing of the prayers offered by the Chaplain as a House document was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1479), explaining the purposes of the measure.

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

House Concurrent Resolution 789 would provide (1) that the prayers offered by the Chaplain, the Reverend Gardiner Latch, D.D., L.H.D., at the opening of the daily sessions of the House of Representatives of the United States during the 89th, 90th, and 91st Congresses, be printed, with appropriate illustration, as a House document; and (2) that 3,000 additional copies of such document be printed and bound for the use of the House of Representatives, to be distributed by the Chaplain of the House of Representatives.

The printing-cost estimate, supplied by the Public Printer, is as follows:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Printing-cost estimate

To print as a document (1,500 copies)	$10,281.50
3,000 additional copies at $1,692.18 per thousand	5,076.84
Total estimated cost (H. Con. Res. 789)	15,358.34

HEARINGS ON U.S. SECURITY AGREEMENTS AND COMMITMENTS ABROAD

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 85) authorizing the printing as a Senate document of a compilation of the hearings on U.S. security agreements and commitments abroad which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert:

That there be printed for the use of the Senate Committee on Foreign Relations four thousand additional copies each of parts 1 through 11 of its hearings of the Ninety-first Congress on United States Security Agreements and Commitments Abroad.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title was amended, so as to read: "Concurrent resolution authorizing the printing of additional copies of Senate hearings on United States Security Agreements and Commitments Abroad".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1480), explaining the purposes of the measure.

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

Senate Concurrent Resolution 85 as referred would provide (1) that there be printed as a Senate document a compilation of the hearings on United States security agreements and commitments abroad, held before the Subcommittee on United States Security Agreements and Commitments Abroad of the Senate Committee on Foreign Relations, and (2) that there be printed 4,000 additional copies of such hearings for the use of that committee.

The Senate Committee on Rules and Administration has amended Senate Concurrent Resolution 85 by deleting the provision that the hearings be reprinted in the form of a Senate document. The Rules Committee has amended the title also, to conform with the deletion. In its amended form the concurrent resolution would provide the Senate Committee on Foreign Relations with 4,000 additional copies of each of parts 1 through 11 of its hearings on security agreements and commitments abroad.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$11,074.83
3,000 additional copies, at $2,138.15 per thousand	6,144.45
Total estimated cost (S. Con. Res. 85)	17,489.28

CLIFFORD DAVIS FEDERAL OFFICE BUILDING

The bill (H.R. 19890) to name a Federal building in Memphis, Tenn., for the late Clifford Davis was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill, H.R. 15188, 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, was announced.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

LT. COMDR. LEROY E. COON, U.S. NAVY, RETIRED

The Senate proceeded to consider the bill (S. 2956) to provide private relief of Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy, retired, continued on active duty in a retired status after June 30, 1967, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of footnote 1 of section 1402(a) of title 10, United States Code, Lieutenant Commander LeRoy E. Coon, Supply Corps, United States Navy (retired), who served on active duty in a retired status from July 1, 1967, through June 30, 1969, shall be entitled to have his retired pay recomputed effective July 1, 1969, and the rate of basic pay used for such recomputation shall be that rate in effect on June 30, 1969.

The amendment was agreed to.

The bill was ordered to be engrossed for 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. 91–1495), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The purpose of the amendment is to reflect the views of the Department of the Navy.

PURPOSE

The purpose of the bill as amended is that, notwithstanding the provisions of footnote 1 of section 1402(a) of title 10, United States Code, Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy (retired), who served on active duty in a retired status from July 1, 1967, through June 30, 1969, shall be entitled to have his retired pay recomputed effective July 1, 1969, and the rate of basic pay used for such recomputation shall be that rate in effect on June 30, 1969.

STATEMENT

The facts of the case as contained in the departmental report to the committee chairman dated June 30, 1970, are as follows:

Present retired pay statutes provide that a retired officer who serves on active duty following such retirement and who is subsequently released from that active duty shall be entitled to recompute his retired pay only if he has served at least 2 years on active duty following his retirement. When the member concerned has established his eligibility to recompute his retired pay based on the fact that he has served on active duty in a retired status for at least 2 years, he may or may not be eligible to recompute his retired pay based on the rates of basic pay in effect at the time of his release. This determination depends on whether he has been entitled to basic pay under the rates of basic pay in effect upon his release from active duty for a continuous period of at least 2 years. If the member has served on active duty for at least 2 years but has not been entitled to basic pay for a continuous period of 2 years under the rates of basic pay in effect at the time of his release, he is entitled to recompute his retired pay under the rates of basic pay replaced by those in effect upon his release from active duty, (10 U.S.C. 1402 (a), footnote 1.)

Lieutenant Commander Coon served on active duty for 2 years following his retirement on July 1, 1967. On that date the rates of basic pay which became effective July 1, 1966, were in effect. Lieutenant Commander Coon was released from active duty on June 30, 1969, and the rates of basic pay which became effective on July 1, 1968, were in effct on that date. Under operation of footnote 1, section 1402(a), title 10, United States Code, he became eligible to recompute his retired pay based on the rates which came into effect on October 1, 1967, plus the consumer price index increases authorized by section 1401 (a), title 10, United States Code. The reason that his eligibility is computed on the basis of the October 1, 1967, pay rates is that he had not served for a continuous period of 2 years under the rates of basic pay in effect at the time of his release. However, since he had served on active duty for a continuous period of 2 years, he was entitled to compute under the rates of basic pay replaced by those in effect upon his release from active duty, to wit, the October 1, 1967, rates of basic pay.

The foregoing has common application to all officers who were involved in situations similar to Lieutenant Commander Coon's. The records of the Department of the Navy indicate that Lieutenant Commander Coon had been informed of the method by which his retired pay would be computed prior to his voluntarily agreeing to remain on active duty in a retired status. There appears to be no reason for providing relief for Lieutenant Commander Coon without similarly providing for others in the same or similar situations.

The Department of Defense has recommended general legislation which would permit Lieutenant Commander Coon, and all others similarly situated, to recompute retired pay based on the rates of basic pay in effect at the time of release so long as the member had served on active duty for a continuous period of at least 2 years. (See the Department of Defense substitute bill recommended in its report on H.R. 15142 as set out at p. 4, H. Rept. No. 836, 91st Cong., second sess. (1970).) Accordingly, the Department of the Navy has no objection to that portion of S. 2956 which would permit Lieutenant Commander Coon to recompute his retired pay based on the rates of basic pay in effect on June 30, 1969, although the Department of the Navy prefers the general legislation envisioned in the Department of Defense substitute bill recommended in its report on H.R. 15142. The Department of the Navy does not favor enactment of that portion of S. 2956 which would provide Lieutenant Commander Coon with a constructive release date of July 1, 1969, since he in fact was released on June 30, 1969, and there appears to be no equitable reason for changing that date.

Enactment of S. 2956 would not result in any increased budgetary requirement to the Department of Defense.

In agreement with the views of the Navy the committee recommends that the bill as amended be favorably reported.

BILL PASSED OVER

The bill, S. 3908, for the relief of the widow and children of Thomas Fillifant was announced.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

THOMAS J. BECK

The bill (H.R. 4982) for the relief of Thomas J. Beck 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. 91–1483), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay Thomas J. Beck $479.96 in settlement of his claims against the United States for travel and relocation expenses incurred in 1967 incident to a transfer from Tuscaloosa, Ala., to Washington, D.C., as an employee of the U.S. Naval Air Systems Command. The amended bill would also have the effect of waiving any outstanding claims of the United States against the employee incident to the same move.

STATEMENT

The facts in this case as contained in House Report 91–1238 are as follows:

The Department of the Navy in its report to the committee has questioned the relief provided in the bill. The Navy also suggested amendments as to the amount stated in the bill and the waiver of any outstanding liability on the part of the claimant to the United States incident to the same matter. The committee has recommended amendments embodying the substance of the recommendations of the Department.

Immediately prior to accepting employment with the Department of the Navy, Thomas J. Beck attended the University of Alabama and just prior to receiving his bachelor of science degree in mechanical engineering, he was interviewed and hired in 1966 by the U.S. Naval Air Systems Command. At that time he entered into the junior engineering training program of that command and followed a course of education at the same university from September 1966 to August 1967. On completion of that program, he performed the travel referred to in the bill. As is noted in the Department of the Navy report, the travel was performed from August 19 to 21, 1967 and was followed by a short period during which he sought permanent housing in the Washington area.

The problem in this case, as is noted in the Department of the Navy letter, is that Mr. Beck was incorrectly advised by a letter from the Navy dated March 30, 1967, that he would be reimbursed for the following expenses:

(*a*) Payment of per diem to an employee's dependents.

(*b*) Payment of temporary quarters or subsistence expenses incident to occupancy of temporary quarters.

(*c*) Miscellaneous expenses associated with discontinuing residence at one station and establishing residence incident to permanent duty travel.

The Navy report notes that under applicable laws and regulations, the three items mentioned above are not authorized as the basis for payments to employees assigned for training to a non-Government facility. Mr. Beck was authorized to be reimbursed for travel expenses in the amount of $111.96 and per diem in the amount of $40, for a total of $151.96.

Mr. Beck claimed reimbursement for the expenditures incurred by him and his family as follows:

Travel expenses	$111.96
Per diem (for self, wife and children	99.00
Temporary quarters and subsistence (9 days)	324.00
Miscellaneous moving costs	200.00
Total	734.96

The committee has carefully considered this matter and has concluded that this is an appropriate case for legislative relief. The Navy has stated that Mr. Beck was incorrectly advised by letter that he would be reimbursed for the expenses in three categories subsequently determined not to be applicable in his case. Mr. Beck has stated that he was not only assured by letter but also orally before making arrangements for his move that these three items would be paid. He has further stated that had he been informed correctly concerning reimbursement, he would have made other arrangements. Furthermore, he had just completed 4 years of full-time schooling which necessitated his taking part-time work to support his family prior to being hired by the Naval Air Systems Command. The sequence of events which culminated in denial of payment of the three items discussed in this report created a financial hardship on him. Since the Government is not without fault in this situation and it appears that the employee was misled by a letter received from the Government, the committee has concluded that the most equitable resolution on the matter would be to grant legislative relief. However, the committee agrees that the amount stated in the bill should be reduced to $479.96, the figure recommended in the Navy report, which is the amount originally claimed reduced by the amount of $225 originally advanced to Mr. Beck for the trip. As is also noted by the Navy, the amount of allowable expenses for the trip was $151.96. As things now stand, Mr. Beck is indebted to the United States for the balance of $103.04. The amended bill, in addition to settling Mr. Beck's claim, would waive this overpayment by including language providing for such a waiver. The committee recommends that the amended bill be considered favorably.

The committee concurs in the action of the House of Representatives and recommends that the bill be favorably considered.

HERSHEL SMITH

The bill (H.R. 6100) for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla., 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. 91–1484), 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 relieve Hershel Smith, publisher of the Lindsay News of Lindsay, Okla., of liability of $966.77 for a subsequently determined underpayment of postage on second-class mailings of the Lindsay News in the period from September 22, 1962, through July 22, 1964.

The bill would provide for the refund of any amounts paid in reduction of the obligation referred to in the bill.

STATEMENT

The facts of the case, as contained in House Report No. 1367, are as follows:

The Post Office Department in its report to the committee on the bill indicated that in view of the circumstances and the action of the General Accounting Office in relieving the postmaster, it would have no objection to the bill's enactment. The Comptroller General in his report questions relief.

As is outlined in the Post Office Department report, the underpayment of postage referred to in this bill resulted from an erroneous interpretation on the part of the postmaster at Lindsay, Okla., of the instruction applicable to the computation of postage on second-class mail. The Post Office Department stated that the mailer relied in good faith on the postmaster's interpretation of the instructions. It further noted that the Comptroller General ruled that the instructions were misleading and, for that reason, the postmaster was relieved of financial responsibility for failure to collect proper postage. In this connection, the report of the Comptroller General on the bill stated that "investigation of the matter indicated that the instructions and exhibitions in the Postal Manual upon which the Postmaster had relied in his computation of the postage here involved were sufficiently confusing and unclear as to warrant the finding that his miscomputation was not the result of negligence or lack of due care on his part. Hence, at the request of the Postmaster General and under the authority of 39 U.S.C. 2401 (b) and (c), we relieved the postmaster of financial responsibility for the undercharge."

The situation is such that notwithstanding the circumstances of the case, the Lindsay News remains legally liable to pay the difference between the amount which should have been paid and the amount actually paid for the postage. The report of the Comptroller General states that the mistake was not made by the Lindsay News and agrees that payment was made in good faith on the basis of the rate specified by the postmaster.

The Comptroller General has also noted that under applicable law he does not have the authority to waive the collection of fees of this type. It is obvious that this was the case because this is the reason that an appeal has been made to the Congress.

As has been noted in this report there is no question but that the mistake was made by a representative of the Post Office, that this determination was the basis of reliance by the newspaper for an extended period of time, and that the publisher of the newspaper acted in good faith in the matter. The conclusion of the Post Office Department summarizes the equities of the case in the opinion of the committee. That report states:

"In the light of these circumstances, and especially since the General Accounting Office relieved the postmaster's account, the Department would have no objection to the enactment of H.R. 6100."

In view of the circumstances of the case and the above position of the Department concerned, it is recommended that the bill, amended, be considered favorably.

After review of the facts of this claim, the committee concurs in the recommendation of the House committee and recommends that the bill (H.R. 6100) be considered favorably.

BILL PASSED OVER

The bill (H.R. 7264) for the relief of Mrs. Pearl C. Davis was announced.

Mr. MANSFIELD. Over, Mr. President.

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

FRANK E. DART

The bill (H.R. 13182) for the relief of Frank E. Dart 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. 91–1486), 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 provide that the claim of Frank E. Dart, Chief Radarman, U.S. Navy, for the loss of his household goods and personal effects in a warehouse fire is to be considered and, if found meritorious, paid in accordance with the provisions of the Military Personnel and Civilian Employees Claims Act to 1964. It is further provided that the United States is to be subrogated to the rights of the said Frank E. Dart against any third parties based on the same loss to the extent of the amount so paid.

STATEMENT

H.R. 13182 as originally introduced in the House of Representatives provided for the payment of $6,678, to Frank E. Dart in compensation for the loss of his personal effects and household goods. The Department of the Navy in its report on the bill indicated it had no objection to the bill subject to certain modifications as outlined in its report. The House of Representatives adopted those modifications in the present bill.

Chief Radarman Frank E. Dart's household effects were destroyed by fire on February 18, 1969, while being stored at Collings Moving and Storage, Westerly, R.I. These effects had been temporarily stored at Government expense, but the 180-day time limit for such storage had expired on February 1, 1969. Chief Dart was awaiting Government housing which had not become available during the 180-day period. Under these circumstances he left his effects in "private storage" and it was during this period that they were destroyed.

Chief Petty Officer Dart originally filed a claim for $6,552.90 and the claims investigating officer recommended favorable consideration on March 7, 1969. However, the Navy pointed out that the amount recommended on the basis of the Military Personnel and Civilian Employees Claim Act and its implementing regulations would have been $4,654. The inequity of the situation is clear when it is considered that Chief Dart would have been paid this amount had the effects continued in storage at government expense, or had the fire occurred during the 180-day period. This figure is based on the value of items claimed, less depreciation in accordance with standard depreciation tables. The original claim listed all items at original cost. These depreciation figures are based on depreciation from the date of acquisition to the time of placing them in storage, August 1969, and not to the date of the loss. This is the standard approach taken by the Navy in such cases.

The bill authorizes the settlement of Chief Dart's claim by the Navy under the procedures set up by the Military Personnel and Civilian Employees Claims Act.

The committee is in agreement with the conclusions arrived at by the House committee and accordingly recommends favorable consideration of H.R. 13182 without amendment.

It has been noted that relief has been granted in a similar case, S. 948 of the 90th Congress signed by the President on May 17, 1968 which granted relief to Eugene Sidney Markovitz under similar circumstances.

RELIEF FOR CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The bill (H.R. 13676) for the relief of certain retired officers of the Army, Navy, and Air Force 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. 91–1487), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay certain retired officers the amounts opposite their names in full settlement of their claims for retroactive payment of retired pay as authorized by the act of April 14, 1966, Public Law 89–395 (80 Stat. 120).

STATEMENT

The facts of the case as contained in House Report No. 91–1044 are as follows:

"The Department of the Army in its report on an earlier bill, H.R. 10541 of the 90th Congress, suggested the language contained in the bill H.R. 13676. In that report the Army stated that it was not opposed to intent of the earlier bill, that is to grant relief to these retired officers, but that in view of the limited number involved it was recommended that relief take the form of a private bill naming the individuals affected. It was further suggested that the committee secure from the General Accounting Office the names of the officers in this particular category. The names included in the bill introduced in the present Congress are those identified by the General Accounting Office.

"The officers named in the bill were in the category of persons meant to be covered by Public Law 89–395, that is retired military personnel whose rights to retired pay within the meaning of paragraph 4, section 15 of the Pay Readjustment Act of 1942 had been reorganized by the Comptroller General, but who were barred by the 10-year statute of limitations from payment prior to that period. In effect, Public Law 89–395 waived the 10-year limitation when claims were filed within a year of the date of enactment of that law. The committee understands that the officers named in this bill filed timely claims under the 89th Congress law. These claims were denied because each officer had previously brought cases before the Court of Claims involving other issues concerning retirement and the Comptroller General held that the precise issue concerning retirement under the 1942 act could have been litigated in those cases and therefore the officers were barred of subsequent payment even though the statute of limitations had been waived by Public Law 89–395.

"This committee feels that this small group of retired officers should not be denied payments to which they would have been entitled but for the fact that they were involved in earlier litigation. As were noted by the Army in its report on H.R. 10541, of the 90th Congress, the legislative history of Public Law 89–359, indicate a desire to permit payment of the full amount of retired pay to the retired officers of this category. The eligibility of these officers is defined in Public Law 89–395 which provided:

" 'That the limitation of time prescribed by the act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 237), is hereby waived with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942: *Provided*, That a claim for such retired pay shall be filed with the General Accounting Office by each such officer or by his designated beneficiary, within 1 year following the date of enactment of this act.'

"Public Law 89–395, supra is identical to proposed legislation suggested to Congress by the Department of the Army, on behalf of the Department of Defense, in a report dated August 27, 1963, addressed to the chairman of the House Committee on the Judiciary, concerning H.R. 3354 88th Congress, a bill 'For the relief of certain retired officers of the Army, Navy, and Air Force' By a series of decisions commencing with *Carroll* v. *United States* (117 Ct. Cl. 53 (1948)), the Court of Claims determined that officers who served on active duty before November 12, 1918, were retired before June 1, 1942, and were ordered to active duty and returned to the retired list after May 31, 1942, by reason of physical disability, were 'hereafter retired' within the meaning of paragraph 4, section 15, of the Pay Readjustment Act of 1942 (56 Stat. 359) and were entitled to retired pay at the rate of 75 per centum of active duty pay at the time of their second retirement. These decisions permitted such officers to include time spent on retired lists for pay purposes. The Comptroller General initially objected to the re-retirement theory of the court and did not acquiesce until 1952. The court extended its holding in 1956 to cover officers retired on the basis of longevity (*Gordon* v. *United States*, 134 Ct. Cl. 840 (1956)). In 1958 the Comptroller General determined that he would follow the decisions of the court with respect to those officers re-retired for longevity (Ms. Comp. Gen. B–13764, Sept. 30, 1958).

"The Army in its report noted that while the officers who sued in the Court of Claims could not recover, by such suit, the unpaid portion of their retired pay accruing during the periods preceding six years prior to the filing of their petition in the Court of Claims. This recovery was barred by the 6 year statute of limitations (28 U.S.C. 2501). These officers and many other similarly situated who did not file suit in the Court of Claims, or who filed and withdrew their petition, filed claims with the General Accounting Office.

"The legislative history of Public Law 89–395 (H. Rept. No. 257, 89th Cong., first sess. (1965) and S. Rept. No. 892, 89th Cong., first sess (1965)) indicates that the House Committee on the Judiciary and the Senate Committee on the Judiciary were under the impression that after the General Accounting Office acquiesced in the Court of Claims decisions and the officers presented their claims to the General Accounting Office, they were paid the remaining accrued unpaid retired pay not barred by the 10-year statute of limitations (act of October 9, 1940, 54 Stat. 1061, 31 U.S.C. 71a and 237). It was apparently assumed that when the General Accounting Office claims were paid the claimants had received all their retired pay accruing, under the law as determined by the Court of Claims, during the 10 years preceding the filing of their claims with the General Accounting Office. The money had been received from one or a combination of the following three sources: (1) By regular monthly payments from their respective services: (2) under a Court of Claims judgment; or (3) from the General Accounting Office. In other words, for this 10-year period, they had received sums the total of which was equal to what they would have received for the period had the law, as determined by the Court of Claims, been followed from the date of their

re-retirement. The Department of the Army was under the same impression and, speaking for the Department of Defense, so informed the House Committee on the Judiciary when reporting on H.R. 3354, supra (H. Rept. No. 257, supra, and S. Rept. No. 892, supra). It now appears that the officers filing claims, without Court of Claims judgments, received settlement for the full 10 years preceding the filing of their claims with the General Accounting Office. Those with Court of Claims judgments received settlement from the date 10 years preceding the filing of their claims with the General Accounting Office to the date 6 years preceding the filing of their petition in the Court of Claims. This appears to be the case notwithstanding the fact that the period upon which the judgment was computed did not cover, in all cases, the full 6 years.

"In the General Accounting Office report on H.R. 10541 on July 10, 1967, referred to the case of one of the officers named in the present bill, Maj. Oliver Holden. The Army in its report noted that Major Holden's case was one of the 12 in which judgment was entered and it appears, therefore, that the problem is limited to 12 or less persons. Under Frizzell (*Frizzell* v. *United States*, 123 Ct. Cl. 337 (1952)) and the series of decisions commencing with *Carroll* v. *United States*, supra, Major Holden was entitled to increased retired pay from September 21, 1944. Under the Court of Claims judgment he was paid $2,322.35.

"The Army report details the attempts of Major Holden to clarify his retirement situation. In that connection the Army reviewed the various statements concerning the principle of res judicata as applied to these officers. The Army report contains the following quotation of the Comptroller General's statement which the committee feels is a good expression of the basis for the denial involved in these cases:

" 'As previously pointed out, Major Holden was entitled upon his reversion to an inactive duty status on the retired list (September 21, 1944), to the re-retirement benefits of the fourth paragraph of section 15 of the 1942 law. The Court of Claims has held that entitlement to monthly retired pay constitutes a continuing claim and that a new cause of action accrues at the end of each monthly pay period. Also, that all the monthly payments which become due within the 6-year period prior to the filing of a petition in the Court of Claims are not barred by the provisions of 28 U.S.C. 2501. (See *Lerner* v. *United States*, 168 Ct. Cl. 247 (1964); *Gordon* v. *United States*, 134 Ct. Cl. 840 (1965); and *Friedman* v. *United States*, 159 Ct. Cl. 1 (1962).) Hence, at the time of filing of Court of Claims petition No. 50147 by Major Holden, the court had complete jurisdiction of his then existing cause of action for the full amount of retired pay due for the 6-year period preceding May 16, 1951, the date the petition was filed. Therefore, in the action instituted by him in that petition he could have presented a claim for increased monthly retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law for the period commencing May 16, 1945.'

"[Then follows quotations from and citations to the following: *Stradley* v. *Bath Portland Cement* Co. 77 A. 242 (1910) *Keller* v. *Olson*, 173 S.W. 28 (1915) *Metropolitan Life Insurance Co.* v. *Richter*, 78 P. 2d 307 (1937) 34 C.J. 838. Judgments, Successive causes of action.]

" 'The rule indicated above appears particularly appropriate for application in situations involving judicial action to collect the amount believed to be due as retired pay at the time such action is commenced, based on a less favorable legal theory and for a shorter period of time than actually was involved. All of the facts relating to Major Holden's retired pay rights during the period May 16, 1945, to May 16, 1951, arising from the failure of the Government to pay him increased retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law were known to him when he filed his petition No. 50147 on May 16, 1951. Consequently, his claim for any monthly installments of increased retired pay which were past due and unpaid for the period not barred from the jurisdiction of the court by 28 U.S.C. 2501 could and should have been included in that action. Having filed suit for and obtained a judgment covering only a part of that period, no consideration may now be given that part of his claim relating to the earlier portion of that period.'

"In reply to this, the Army report stated:

" 'The Comptroller General is legally correct in denying the claims for the periods subsequent to 6 years preceding the filing of the Court of Claims petitions (May 15, 1966, in the case of Holden). The Comptroller General is legally correct in denying, before the enactment of Public Law 89-395, all claims for retired pay accruing prior to the date 10 years preceding the filing of the claims by the General Accounting Office. Accordingly, the claimants have no legal right to the money now claimed. But, as a general rule, no legal right or obligation is presupposed in private relief legislation. The obligation, if any, is a moral obligation based on equity and good conscience or, as was stated by the U.S. Supreme Court, "such as are based on the conscience or honor of an individual" (*United States* v. *Realty*, 136 U.S. 427 (1896)). The Comptroller General's correct application of the general legal principle of res judicata to the case of Major Holden and others similarly situated, after the enactment of Public Law 89-395, appears to have caused a result now anticipated by, and contrary to the intent of, Congress as evidenced by the enactment of Public Law 89-395 and the legislative history thereof.

" 'The legislative history of 89-395 indicates that it was the intent of Congress that the beneficiaries of that act were to receive a sum which, when added to the sum received as retired pay from their respective services, the sum paid on the Court of Claims judgments in their cases, and the sum paid on their claims with the Comptroller General, would equal the sum which they would have received as retired pay from their respective services had their retired pay been computed under the law, as determined by the Court of Claims from the date of their retirement.

" 'The Department of the Army on behalf of the Department of Defense did not oppose Public Law 89-395 which it was thought would reach the apparent result intended by Congress as stated above. The Department of the Army, on behalf of the Department of Defense, is not opposed to the intent of the present bill, but, in view of the limited number of persons involved (12 or less), it is suggested that the bill be amended to award named individuals stated amounts. The names and amounts, computed as suggested above, should be available from the Comptroller General. This approach would avoid the undesirable precedent of waiving established legal principles for a limited number of people but still accomplish the desired result. An outline of a bill designed to accomplish this purpose is inclosed.'

"The committee agrees with the views expressed in the Army report of 1968 on the bill in the 90th Congress. It is recommended the bill H.R. 13676, as amended, be favorably considered."

In agreement with the views of the House, the committee recommended the bill favorably.

Attached hereto and made a part hereof are the reports from the Secretary of the Army and the Comptroller General of the United States.

DEPARTMENT OF THE ARMY,
Washington, D.C., October 2, 1968.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 10541, 90th Congress, a bill to amend the act of April 14, 1966, for the relief of certain retired officers of the Army, Navy, and Air Force. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The purpose of this bill is to amend Public Law 89-395 (80 Stat. 120) by adding:

"SEC. 2. Notwithstanding any prior decision or the bar of res judicata, any claim filed with the General Accounting Office within the time specified in section 1 of this Act shall be considered and, if found meritorious, paid in accordance with applicable law."

The Department of the Army on behalf of the Department of Defense is not opposed to enactment of the bill amended as suggested below.

Public Law 89-395 (80 Stat. 120) provides:

"That the limitation of time prescribed by the act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 237), is hereby waived with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942: *Provided*, That a claim for such retired pay shall be filed with the General Accounting Office by each such officer or by his designated beneficiary, within 1 year following the date of enactment of this act."

Public Law 89-395, *supra*, is identical to proposed legislation suggested to Congress by the Department of the Army, on behalf of the Department of Defense, in a report dated August 27, 1963, addressed to the chairman of the House Committee on the Judiciary, concerning H.R. 3354, 88th Congress, a bill "For the relief of certain retired officers of the Army, Navy, and Air Force." By a series of decisions commencing with *Carroll* v. *United States* (117 Ct. Cl. 53 (1948), the Court of Claims determined that officers who served on active duty before November 12, 1918, were retired before June 1, 1942, and were ordered to active duty and returned to the retired list after May 31, 1942, by reason of physical disability, were "hereafter retired" within the meaning of paragraph 4, section 15, of the Pay Readjustment Act of 1942 (56 Stat. 359) and were entitled to retired pay at the rate of 75 per centum of active duty pay at the time of their second retirement. These decisions permitted such officers to include time spent on retired lists for pay purposes. The Comptroller General initially objected to the retirement theory of the court and did not acquiesce until 1952. The court extended its holding in 1956 to cover officers retired on the basis of longevity (*Gordon* v. *United States*, 134 Ct. Cl. 850 (1956)). In 1958 the Comptroller General determined that he would follow the decisions of the court with respect to those officers re-retired for longevity (Ms. Comp. Gen. B-137364, Sept. 30, 1958).

The officers who sued in the Court of Claims could not recover, by such suit, the unpaid portion of their retired pay accruing during the periods preceding 6 years prior to the filing of their petition in the Court

of Claims. This recovery was barred by the 6-year statute of limitations (28 U.S.C. 2501). These officers and many others similarly situated who did not file suit in the Court of Claims, or who filed and withdrew their petition, filed claims with the General Accounting Office.

As reported in Senate Report No. 892, 89th Congress, first session (1965), the Comptroller General stated, in reporting on H.R. 9262, 86th Congress (substantially identical to the bill enacted as Public Law 89-395, except the beneficiaries were named):

"Of the 61 officers named in H.R. 9262, 57 filed petitions in the U.S. Court of Claims for increased retired pay. Twelve obtained judgments against the United States for increased retired pay from a date 6 years prior to the date of filing of the petition to date of judgment. All 57 officers presented claims to the General Accounting Office for increased retired pay for periods preceding those covered by the claims set out in the Court of Claims petitions. The officers whose petitions did not progress to judgment deposited motions to dismiss the petitions with the Attorney General to be held in escrow pending settlement of their claims by the General Accounting Office. Upon settlement, the dismissal motions were filed in the Court of Claims. In each of the 57 cases—with two exceptions—the General Accounting Office authorized payment of the increased retired pay from the date 10 years prior to the date of receipt of the claim in the General Accouning Office to a current date, except that in the judgment cases settlement was allowed to the day preceding the commencement date of the period covered by the court judgment. It is understood that the increased retired pay was paid monthly thereafter, from the terminal dates of the judgments and Accounting Office settlements, by the administrative offices concerned."

The legislative history of Public Law 89-395 (H. Rept. No. 257, 89th Cong., first sess. (1965) and S. Rept. No. 892, 89th Cong., first sess. (1965)) indicates that the House Committee on the Judiciary and the Senate Committee on the Judiciary were under the impression that, after the General Accounting Office acquiesced in the Court of Claims decisions and the officers presented their claims to the General Accounting Office, they were paid the remaining accrued unpaid retired pay not barred by the 10-year statute of limitations (act of October 9, 1940, 54 Stat. 1061, 31 U.S.C. 71a and 237). The committees were under the impression that when the General Accounting Office claims were paid the claimants had received all their retired pay accruing, under the law as determined by the Court of Claims, during the 10 years preceding the filing of their claims with the General Accounting Office. The money had been received from one or a combination of the following three sources: (1) By regular monthly payments from their respective services; (2) under a Court of Claims judgment; or (3) from the General Accounting Office. In other words, for this 10-year period, they had received sums the total of which was equal to what they would have received for the period had the law, as determined by the Court of Claims, been followed from the date of their re-retirement. The Department of the Army was under the same impression and, speaking for the Department of Defense, so informed the House Committee on the Judiciary when reporting on H.R. 3354, supra (H. Rept. No. 257, supra, and S. Rept. No. 892 supra). It now appears that the congressional committee and the Department of Defense misunderstood the circumstances. It now appears that the officers filing claims, without Court of Claims judgments, received settlement for the full 10 years preceding the filing of their claims with the General Accounting Office. Those with Court of Claims judgments received settlement from the date 10 years preceding the filing of their claims with the General Accounting Office to the date 6 years preceding the filing of their petition in the Court of Claims. This appears to be the case notwithstanding the fact that the period upon which the judgment was computed did not cover, in all cases, the full 6 years.

In reporting on the current bill (Ms. Comp. Gen. B-145158, July 10, 1967), the Comptroller General cited the case of Maj. Oliver Holden (*Holden* v. *United States*, 123 Ct. Cl. 866) to illustrate the problem that H.R. 10541 is designed to overcome. Major Holden's case was one of the 12 in which judgment was entered and it appears, therefore, that the problem is limited to 12 or less persons. Under Frizzell (*Frizzell* v. *United States*, 123 Ct. Cl. 337 (1952)) and the series of decisions commencing with *Carroll* v. *United States, supra*, Major Holden was entitled to increased retired pay from September 21, 1944. Under the Court of Claims judgment, he was paid $2,332.35.

On April 2, 1957, Major Holden filed two claims with the General Accounting Office for his increased pay from March 1, 1947. These claims were predicated, according to the Comptroller General, on the Court of Claims decision in the case of Gordon (*Gordon* v. *United States*, 134 Ct. Cl. 840 (1956)). Both were denied on May 13, 1957, because the General Accounting Office did not accept Gordon as precedent for settlement action on such claims (Ms. Comp. Gen.A-56721, May 7, 1959). Reconsideration was requested and, in response thereto (Ms. Comp. Gen. A-56721, May 7, 1959), the Comptroller General stated:

"Since this claim was received in our office April 2, 1957, that portion of the claim covering the period prior to April 2, 1947, being over 10 years old, is barred by the act of October 9, 1940, 54 Stat. 1061.

"The judgment obtained by Major Holden in the case of *Holden* v. *United States*, covered the period from June 29, 1948, to April 30, 1952. While this is only a part of the period covered by his present claim the re-retirement question decided in the *Gordon* case might have been litigated in the *Holden* case. Since this was not done and the judgment entered in the *Holden* case has been paid, the present claim is of such doubtful validity as not to warrant favorable action by us at this time, 28 U.S.C. 2517. See also *Heiser* v. *Woodruff et al.*, 327 U.S. 726; *Grubb* v. *Public Utilities Commission*, 281 U.S. 407, 479 and *United States* v. *California and Oregon Land Co.*, 192 U.S. 355, 358."

Major Holden apparently again filed a claim after enactment of Public Law 89-395, for, in a decision dated January 23, 1967 (46 Comp. Gen. 620), the Comptroller General mentioned a request for "review of the action taken in General Accounting Office settlement dated September 30, 1966, on the claim of Maj. Oliver Holden, U.S. Army, retired, for increased retired pay sought by him by reason of the enactment on April 14, 1966, of Public Law 89-395, 80 Stat. 120." He further stated that the $2,332.35 received by Major Holden under the Court of Claims judgment represented the amount due Major Holden for the period June 29, 1948, through April 30, 1952. The judgment was entered on July 15, 1952, and there is nothing in the judgment to show that the sum awarded is for retired pay accruing during the period June 29, 1948, through April 30, 1952. It appears that the sum could as easily represent the sum accruing during the period August 12, 1948, through judgment (July 15, 1952) as, according to the Comptroller General (46 Comp. Gen. 620), and as stated in the petition, the suit was "for increased retired pay benefits for the period commencing August 12, 1948, and extending until the date upon which the judgment may be entered therein."

The Comptroller General again refers to the September 30, 1966, settlement action as follows (46 Comp. Gen. 620):

"The bar of the 10-year statute of limitations Major Holden's claim for increased retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law has been removed by Public Law 89-395, and the amount of $10,785.69, representing such increased retired pay for the periods September 21, 1944, to May 15, 1945, and July 16, 1952, to August 31, 1966, inclusive, was certified due him in the settlement of September 30, 1966. However, that part of his claim covering the period May 16, 1945, to July 15, 1952, inclusive, was denied for the reason that such period "is barred by the doctrine of *rest judicata* as a result of the Court of Claims decision in the case of *Holden* v. *United States*, 123 Ct. Cl. 866 (1952).' You object to application of the bar of *res judicata* to the periods May 16, 1945, to June 28, 1948, and May 1, 1952, to July 15, 1952, inclusive."

He explains the denial of the claim for the period May 1, 1952, to July 15, 1952, inclusive, as follows:

"The claim advanced by Major Holden in Court of Claims petition No. 50147, expressly covered the period to the date 'upon which judgment may be entered herein.' Since judgment was entered therein on July 15, 1952, the matter of applying the bar of *res judicata* to the period May 1, 1952, to July 15, 1952, inclusive, falls squarely within the holding of the Court of Claims in the case of Joseph A. Herbert plaintiff No. 6 in *Armstrong, et al.* v. *United States*, 155 Ct. Cl. 177, decided July 19, 1961.

"Joseph A. Herbert was plaintiff No. 26 in the case of *Aguinaldo, et al.* v. *United States*, Ct. Cl. No. 49726, wherein he sued for increased retired pay computed in accordance with the decision in *Sanders* v. *United States*, 120 Ct. Cl. 501 (1951) 'commencing with his release to an inactive duty status and continuing to date of judgment.' A judgment was entered in that case on April 7, 1953, allowing Herbert increased retired pay under the Sanders rule for the period November 7, 1946, to September 30, 1949, inclusive.

"Subsequently, Herbert became plaintiff No. 6 in the *Armstrong* case in which the court in the decision of July 19, 1961, pointed out that he, Herbert, was seeking judgment for increased disability retired pay computed under section 402(d) of the Career Compensation Act of 1949, chapter 681, 63 Stat. 818, for the period from October 1, 1950, through December 31, 1958. (Since the *Armstrong* petition, Ct. Cl. No. 431-56, was not filed until Oct. 5, 1956, the provisions of 28 U.S.C. 2501 barred the Court of Claims from jurisdiction of the period Oct. 1, 1949, to Sept. 30, 1950, inclusive.)

"The court concluded that the judgment of April 7, 1953, on the *Aguinaldo* petition had been erroneously entered 'for the entire period' for which Herbert had sued and directed that such judgment be amended to accord with the stipulation of the parties which actually covered the period November 7, 1946, to September 30, 1949, only. See the order issued by the Court of Claims July 19, 1961, in *Aguinaldo, et al.* v. *United States* (Ct. Cl. No. 49726), amending the judgment of April 7, 1953, indicating that the judgment of April 7, 1953, otherwise would have barred any further claim by Herbert for additional retired pay for the period preceding April 8, 1953."

"Many other similar *Sanders* type judgments were amended by the court. See, for example, Court of Claims order of September 21, 1962, amending among others, the judgment of October 6, 1953, in the case of *James Bernard McCarthy, et al.* v. *United States* (Ct. Cl. No. 49959). Thus, it is clear that unless amended the judgments in

those cases would have raised the bar of res judicata 'to date of judgment.' That rule is applicable in Major Holden's case and in the absence of an amendment by the court of the judgment rendered on July 15, 1952, on Court of Claims petition No. 50147 effectively restricting the bar of res judicata to the period preceding May 1, 1952, the disallowance of that part of the claim covering the period May 1, 1952, to July 15, 1952, inclusive, is sustained."

There is no explanation of the view that the period May 1, 1952, through July 15, 1952, was included in the Court of Claims judgment but there was no payment of accrued pay for that period of the judgment. Nor is there an explanation of the view that the period June 29, 1948, to August 12, 1948, is covered by the judgment and he was paid the accrued pay for that period under the judgment. Note that Holden asked in his Court of Claims petition for unpaid accrued retired pay for a period "commencing August 12, 1948" and ending with judgment.

The Comptroller General explains the denial of the claim for the other periods subsequent to May 15, 1945 (the date 6 years preceding the date of the filing of the Court of Claims petition), as follows:

"As previously pointed out, Major Holden was entitled upon his reversion to an inactive duty status on the retired list (Sept. 21, 1944), to the re-retirement benefits of the fourth paragraph of section 15 of the 1942 law. The Court of Claims has held that entitlement to monthly retired pay constitutes a continuing claim and that a new cause of action accrues at the end of each monthly pay period. Also, that all the monthly payments which became due within the 6-year period prior to the filing of a petition in the Court of Claims are not barred by the provisions of 28 U.S.C. 2501. See *Lerner* v. *United States* (168 Ct. Cl. 247 (1964)); *Gordon* v. *United States* (134 Ct. Cl. 840 (1956)), and *Friedman* v. *United States* (159 Ct. Cl. 1 (1962)). Hence, at the time of filing of Court of Claims petition No. 50147, by Major Holden, the court had complete jurisdiction of his then existing cause of action for the full amount of retired pay due for the 6-year period preceding May 16, 1951, the date the petition was filed. Therefore, in the action instituted by him in that petition he could have presented a claim for increased monthly retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law for the period commencing May 16, 1945."

(Then follows quotations from and citations to the following: *Stradley* v. *Bath Portland Cement Co.* 77 A. 242 (1910); *Keller* v. *Olson*, 173 S.W. 28 (1915); *Metropolitan Life Ins. Co.* v. *Richter* 78 P. 2d 307 (1937) 34 C.J. 838, judgments, successive causes of action.)

"The rule indicated above appears particularly appropriate for aplication in situations involving judicial action to collect the amount believed to be due as retired pay at the time such action is commenced, based on a less favorable legal theory and for a shorter period of time than actually was involved. All of the facts relating to Major Holden's retired pay rights during the period May 16, 1945, to May 16, 1951, arising from the failure of the Government to pay him increased retired pay computed in accordance with the provisions of the fourth paragraph of section 15 of the 1942 law were known to him when he filed his petition No. 50147 on May 16, 1951. Consequently, his claim for any monthly installments of increased retired pay which were past due and unpaid for the period not barred from the jurisdiction of the court by 28 U.S.C. 2501 could and should have been included in that action. Having filed suit for and obtained a judgment covering only a part of that period, no consideration may now be given that part of his claim relating to the earlier portion of that period."

The Comptroller General is legally correct in denying the claims for the periods subsequent to 6 years preceding the filing of the Court of Claims petitions (May 15, 1966, in the case of Holden). The Comptroller General is legally correct in denying, before the enactment of Public Law 89-395, all claims for retired pay accruing prior to the date 10 years preceding the filing of the claims by the General Accounting Office. Accordingly, the claimants have no legal right to the money now claimed. But, as a general rule, no legal right or obligation is presupposed in private relief legislation. The obligation, if any, is a moral obligation based on equity and good conscience or, as was stated by the U.S. Supreme Court, "Such as are based on the conscience or honor of an individual" (*U.S.* v. *Realty*, 136 U.S. 427 (1896)). The Comptroller General's correct application of the general legal principle of res judicata to the case of Major Holden and others similarly situated, after the enactment of Public Law 89-395, appears to have caused a result not anticipated by, and contrary to, the intent of Congress as evidenced by the enactment of Public Law 89-395 and the legislative history thereof.

The legislative history of 89-395 indicates that it was the intent of Congress that the beneficiaries of that act were to receive a sum which, when added to the sum received as retired pay from their respective services, the sum paid on the Court of Claims judgments in their cases, and the sum paid on their claims with the Comptroller General, would equal the sum which they would have received as retired pay from their respective services had their retired pay been computed under the law, as determined by the Court of Claims, from the date of their re-retirement.

The Department of the Army on behalf of the Department of Defense did not oppose Public Law 89-395 which it was thought would reach the apparent result intended by Congress as stated above. The Department of the Army, on behalf of the Department of Defense, is not opposed to the intent of the present bill, but, in view of the limited number of persons involved (12 or less), it is suggested that the bill be amended to award named individuals stated amounts. The names and amounts, computed as suggested above, should be available from the Comptroller General. This approach would avoid the undesirable precedent of waiving established legal principles for a limited number of people but still accomplish the desired result. An outline of a bill designed to accomplish this purpose is enclosed.

Enactment of this legislation, amended as suggested, will cause no apparent increase in budgetary requirements of the Department of Defense.

This report has been coordinated in the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

A bill for the relief of certain retired officers of the Army, Navy, and Air Force

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of funds not otherwise appropriated, to each individual named in section 2 of this Act the sum opposite his name. The sum stated is to constitute full satisfaction of each named individual's claim for unpaid retired pay accruing subsequent to his return to an inactive status on a retired list of an Armed Force after May 31, 1942, and before the settlement of a claim filed with the General Accounting Office under the Act of April 14, 1966, Public Law 89-395 (80 Stat. 120).

SEC. 2. The claimants under this Act and the amount due each are as follows:

The report of the Comptroller General on the bill H.R. 13676 commenting on the contents and policy implications of that bill is set out below. The Comptroller General concluded that whether special relief such as is provided in this bill is to be accorded the individuals named in the bill, is a matter of policy for determination by Congress.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., December 1, 1969

B-145158.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your letter of November 12, 1969, requesting our views on H.R. 13676, 91st Congress, a bill for the relief of certain retired officers of the Army, Navy, and Air Force.

Section 1 of the bill would authorize and direct the Secretary of the Treasury to pay to each individual named in section 2 the sum stated opposite his name. Such payment is to constitute full satisfaction of each named individual's claim for unpaid retired pay accruing subsequent to his return to an inactive status on a retired list of an armed force after May 31, 1942, and before the settlement of a claim filed with the General Accounting Office under the act of April 14, 1966, Public Law 89-395 (80 Stat. 120).

The names of the claimants and the amount due each individual are set forth in section 2 as follows:

	Amount
"Maj. Charles F. Frizzel, U.S. Army (retired)	$5,805.67
"Mrs. Grace D. Harrington, designated beneficiary and widow of Col. James B. Harrington, U.S. Army (retired)	2,247.94
"Maj. Oliver Holden, U.S. Army (retired)	6,304.93
"Comdr. Frank G. Kutz, U.S. Navy (retired)	9,496.11
"Comdr. Charles E. Lofgren, U.S. Navy (retired)	16,376.11"

The act of April 14, 1966, Public Law 89-395, waived the 10-year statute of limitations (31 U.S.C. 237)—which bars consideration of all claims against the United States not received in the General Accounting Office within 10 full years after the date the claim accrues—with respect to claims for increased retired pay by any officer of the uniformed services there mentioned if he otherwise met the requirements prescribed in that law. In settling claims under the act of April 14, 1966, we authorize payment only as to such periods of time that the 10-year barring act would be the sole legal impediment. No other statutory provision or established legal doctrine, such as the bar of res judicata, was affected by the 1966 law.

By reports dated June 16, 1969, and August 7, 1969, B-145158, we furnished your committee with the names of the claimants and the amount due each individual as set forth in section 2 of H.R. 13676. These claimants were denied additional retired pay for specified periods under Public Law 89-395 because of the doctrine of res judicata.

While H.R. 13676 makes no reference to the bar of res judicata, it would, in effect, make that doctrine inapplicable to the persons named in section 2, insofar as the payments here involved are concerned. See in this connection H.R. 10541, 90th Congress and our report to you on that bill dated July 10, 1967, B-145158, copy enclosed.

The question whether a few individuals, like those named in section 2 of the bill, should be granted a preferential benefit not accorded claimants generally is a matter of policy for determination by Congress.

Sincerely yours,

R. F. KELLER,
Assistant Comptroller General of the United States.

(The report of the General Accounting Office on the bill H.R. 10541 of the 90th Congress, which questioned the relief proposed in the bill in that Congress is as follows:)

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 10, 1967.

B-145158.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your letter of June 20, 1967, requesting our views on H.R. 10541 to amend the act of April 14, 1966, for the relief of certain retired officers of the Army, Navy, and Air Force.

The act of April 14, 1966, Public Law 89-395 (80 Stat. 120), waived the 10-year statute of limitations (31 U.S.C. 237)—which bars consideration of all claims against the United States not received in the General Accounting Office within 10 full years after the date the claim accrues—with respect to claims for increased retired pay by any retired officer of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, if (1) he served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918; (2) he was retired under any provision of law prior to June 1, 1942, and was subsequently called to active duty; and (3) he was returned to an inactive status on a retired list after May 31, 1942. The law required that a claim for such retired list after May 31, 1942. The law required that a claim for such retired pay be filed with the General Accounting Office by each such officer or by his designated beneficiary, within 1 year following the date of enactment of the act.

In settling claims under Public Law 89-395, and having in mind the clear language of that act and the equally clear purpose underlying its enactment, we authorized payment (when otherwise proper) only as to such periods of time that the 10-year barring act would be the sole legal impediment. No other statutory provision or established legal doctrine, such as the bar of res judicata, was affected by the enactment of Public Law 89-395.

H.R. 10541 would amend Public Law 89-395 by adding a new section to read as follows:

"SEC. 2. Notwithstanding any prior decision or the bar of res judicata, any claim filed with the General Accounting Office within the time specified in section 1 of this act shall be considered and, if found meritorious, paid in accordance with applicable law."

The new section 2 would, as we understand it, remove the bar of res judicata on claims filed in the General Accounting Office within the time limitation in which such bar was applied. While we have no statistics respecting the number of claims in which the bar of res judicata was applied, it is believed that the number involved is relatively small.

As an example of one of the few claims under Public Law 89-395 which was denied in part by our Office because of the bar of res judicata, there is enclosed for your information a copy of our decision of January 23, 1967, A-56721, concerning the case of Maj. Oliver Holden, U.S. Army, retired.

Generally, we do not view with favor legislation, such as H.R. 10541, which would waive or remove the bar of res judicata in connection with the settlement of claims. Claims of many other individuals, not coming within the scope of Public Law 89-395, have been denied because of the doctrine of res judicata. See for example enclosed copy of our report to your committee dated October 26, 1966, B-63549, B-129993, on H.R. 18037, 89th Congress, for the relief of Commander Albert G. Berry, Jr. The question of whether a few individuals who have received one special benefit under Public Law 89-395 not accorded claimants generally (relief from the bar of the statute of limitations) should be granted a second preferential benefit (relief from rule of res judicata) as a matter of policy for determination by Congress.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

IRWIN KATZ

The bill (H.R. 13806) for the relief of Irwin Katz 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. 91-1488), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay $800 to Irwin Katz, of Brooklyn, N.Y., in full settlement of his claims for losses and expenses and penalties due to the cancellation of a contract for the purchase of a home in New York because of his forced transfer of employment from the Naval Applied Science Laboratory in Brooklyn.

STATEMENT

The facts of the case, as contained in House Report No. 1505, are as follows:

"The events referred to in the bill date back to April of 1969 when Mr. Irwin Katz entered into a contract to purchase a house on Staten Island, N.Y. At that time he made a deposit of $2,000 as required by the contract. As is noted in the Navy Department report on the bill, on April 24, 1969, the Naval Applied Science Laboratory employees were advised that the laboratory would reduce operations and, in particular, Mr. Katz' function would be transferred to the Navy Weapons Laboratory, Dahlgren, Va. Acting upon this notice of his transfer to the Naval Weapons Laboratory, Dahlgren, Mr. Katz canceled his contract. The general release was dated May 16, 1969. Before the contract was canceled a representative of the Navy Applied Science Laboratory communicated with the Navy Office of Civilian Manpower Management to determine whether there was any existing authority to favorably consider Mr. Katz' potential claims for financial losses in connection with the transaction. He was advised there was none. At that time Mr. Katz was scheduled to be transferred to the Naval Weapons Laboratory in the month of October 1969. In the meantime, however, he obtained a position with the Federal Water Pollution Control Administration, Department of Interior, Edison, N.J., effective October 19, 1969. The Navy stated that it was advised that this area is also outside the commuting area of Staten Island.

"The Navy has based its opposition to relief in this instance on the fact that existing law does not provide for reimbursement in Mr. Katz's case. This, of course, is why he has appealed to the Congress for relief. The Navy has further objected to relief on the following grounds:

" 'Nor do we believe the Government can be the insurer of every property transaction of its Federal employees. The alternatives available to Mr. Katz were not under the control of his employer and thus the Government should not have to reimburse him for any cost which resulted from the course he chose.'

"The committee has considered this objection, and has concluded that it fails to consider the basic equity in the case, and that is that the employee suffered a loss due to the transfer made necessary by reductions at the Naval Science Laboratory. It is not contended that the Government exercised control over the employee's contract or his decision to enter the contract. At best, this seems a collateral point. In the opinion of the committee the issue is that under applicable law, employees are presently reimbursed for costs and expenses incident to forced sales of property due to transfers, but that no such authority exists for a loss such as suffered by Mr. Katz. Had he closed the real estate transaction and been conveyed title to the property, then he would have been covered by the laws referred to by the Navy. The fact that he received notice of the transfer shortly after the contract was signed caused him to act to attempt to adjust the matter. He was able to limit the forfeiture to $800. This probably is less than the reimbursable costs and expenses generally recognized under the law concerning real estate sales incident to transfer. The committee feels this is a proper case for legislative relief. It is recommended that the bill, amended to provide for payment of $800, the amount of the deposit withheld, be favorably considered."

After review of the facts of this claim, the committee concurs in the recommendation of the House Committee and recommends that the bill H.R. 13806 be considered favorably.

THADDEUS J. PAWLAK

The bill (H.R. 15270) for the relief of Thaddeus J. Pawlak 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. 91-1489), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay a sum not to exceed $1,042.50 to Thaddeus J. Pawlak, of the Department of the Army, formerly of Chicago, Ill., who reported to a new duty station at Fort Sheridan, Ill., on May 7, 1967, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in circular No. A-56, revised October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with the relocation.

STATEMENT

The facts of the case as contained in House Report No. 91-1560 are as follows:

"The Department of the Army in its report on the bill indicated that it had no objection to its enactment.

"The events giving rise to the introduction of this bill date back to January 10, 1967, when Mr. Pawlak was a civilian employee in Headquarters, 5th Army, Chicago, Ill., in grade GS-12. On that date he was notified of a transfer on a permanent change of station to Fort Sheridan, Ill., on the outskirts of the city of Chicago. He reported for duty at the new station on May 7, 1967. On No-

vember 29, 1967, Mr. Pawlak signed a contract to purchase a building under construction. The contract specified a completion date of April 30, 1968. On March 18, 1968, Mr. Pawlak anticipated that, due to weather conditions, the completion date would not be met. He wrote to the housing officer, Reviewing and Approving Authority, Headquarters, Fort Sheridan, and requested an extension until June 30, 1968, to claim reimbursement of relocation expenses. The Army report indicated that Mr. Pawlak acted in good faith. The extension was not granted but on April 30, 1968, he was advised by Mr. Heany, the acting chief of the Finance Services Branch, Deputy Chief of Staff, Comptroller, 5th Army, that '* * * the contract date within the 1-year limitation could be construed as the settlement date for entitlement purposes and that he should have no difficulty in securing reimbursement. * * *' Mr. Pawlak states that he relied on this information and that he could have settled before the expiration of the 1-year limitation but did not because of the erroneous information that he received. The closing statement for the purchase of the residence at the new duty station is dated May 31, 1968, and the closing statement for the sale of the residence at the old station is dated June 13, 1968. The new residence was not completed until September 5, 1968.

"On January 15, 1969, Mr. Pawlak applied to the Department of the Army for reimbursement of expenses in the amount of $224.50 for the sale of his residence at his old duty station and $818 in connection with the purchase of his residence at his new duty station. The application was denied, and he was advised by letter from the assistant adjutant, Headquarters, Fort Sheridan, dated January 21, 1969, that '* * * under existing regulations settlement must be completed not later than 1 year after employee reports for duty at new station. Closing statements were after the 1-year limitation.'

"Relocation expenses for civilian employees of the Government are covered by the provisions of Public Law 89–516, 80 Stat. 323 (1966), as amended, 5 U.S.C. 5724(a) (1967). Section 23 provides:

"'Under such regulations as the President may prescribe and to the extent deemed necessary and appropriate, as provided therein, appropriations or other funds available to the departments for administrative expenses shall be available for the reimbursement of all or part of the following expenses of travel and transportation under subsection (a) of section 1 of this Act:

* * * * * *

"'(4) The expenses of the sale of the residence (or the settlement of an unexpired lease) of the officer or employee at the old official station and purchase of a home at the new official station required to be paid by him when the old and the new official stations are located within the United States (including the District of Columbia), its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone, but reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection shall not exceed those customarily charged in the locality where the residence is located and no reimbursement shall be made for losses on the sale of the residence. This provision applies regardless of whether the title to the residence or the unexpired lease is in the name of the officer or employee alone, in the joint names of the officer or employee and a member of his immediate family alone.'

"While the Congress did not specifically impose any time limitations, the Office of Management and Budget regulation did so in interpreting and implementing the statute in its Circular No. A–56, revised, October 12, 1966, entitled, 'Regulations governing payment of travel and transportation expenses of civilian officers and employees of the United States.'

"Sections 4(1) (a) and (d) of the circular, supra, provide for reimbursement under the following conditions:

"'(a) A permanent change of station is authorized or approved and the old and new official stations are located within the 50 States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, or the Canal Zone, and the employee has signed an agreement as required in subsection 1.3c.

* * * * * *

"'(d) The *settlement dates* for the sale and purchase or lease termination transactions for which reimbursement is requested *are not later than one year after the date on which the employee reported for duty at the new official station,* except that an appropriate extension of time may be authorized by the head of the department or his designee when settlement is necessarily delayed because of litigation.' [Emphasis added.]

"On June 26, 1969, section 4(1)(d) was replaced by section 4(1)(e) so as to authorize the head of an employee's agency to extend the 1-year period to 2 years. This authority is only applicable, however, to transactions which occur after that date.

"The Office of Management and Budget circular provision which is pertinent to this claim only provides for an extension beyond the period of 1 year in the event of litigation (sec. 4(1)(d), supra). In a comparable case in which adverse weather conditions delayed the construction and ultimate purchase of a residence, the Comptroller General ruled that a claim could not be allowed (B–164393, June 18, 1968). (See also B–160799, May 20, 1968; B–163700, May 6, 1968.)

"In its report the Army, after outlining the facts referred to above, specifically referred to the erroneous advice given Mr. Pawlak and stated on the basis of these circumstances that it is of the opinion that relief is warranted in this case. In this connection, the Army stated:

"'However, since erroneous advice was given to Mr. Pawlak when he requested "an interpretation of what constituted a settlement date," and since Mr. Pawlak apparently failed to act expeditiously because of the erroneous advice, the Department of the Army is of the opinion that relief is warranted in this case.'

"It is recommended that the bill be considered favorably."

In agreement with the views of the House, the committee recommends the bill favorably.

JACK M. SMITH AND CHARLES N. MARTIN, JR.

The bill (H.R. 15505) for the relief of Jack B. Smith and Charles N. Martin, Jr., 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. 91–1490), 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 relieve Jack B. Smith, postmaster, and Charles N. Martin, Jr., publisher of Atlanta's Suburban Reporter of Atlanta, Ga., of liability of $3,572.18 for revenue deficiencies resulting from errors in postage on second-class material at the post office at East Point, Ga., in the period from July 1964 through 1967.

STATEMENT

The facts of the case as contained in House Report 91–1561 are as follows:

"The Post Office Department in its report on the bill stated it had no objection to its enactment, and recommended that the amount stated in the bill be reduced to $3,572.18. The committee has recommended that amendment.

"As a result of an examination of the East Point Post Office in 1967, errors were discovered in the postage charged for mailings of the Reporter for the period July 29, 1964, through 1967. It was determined from postal records that a postage deficiency had been incurred as follows:

"'Year	*Deficiency*
"'1964: Incorrect rate	$846.38
1965:	
Incorrect rate	1,400.32
Excess sample copies	124.62
Total	1,524.94
1966: Incorrect rate	959.74
1967: Incorrect rate	365.74
Total	3,696.80'

"The Post Office Department made a demand on Mr. Martin for payment of the deficiencies. He denied liability for the deficiency except for the $124.62 representing excess copies mailed in 1965. He stated that he had followed all instructions of the Post Office during the course of years. Prior to initial mailings he had made inquiry concerning the postage rate and the Postal Service Center had advised the postmaster that the mailings should be accepted at the third-class rate.

"In its report the Post Office Department noted that while it is apparent in this case that the Postal Service Center made a mistake in quoting the third-class bulk rate and Mr. Martin acted in good faith in relying on the advice he received, the postmaster is required, under 39 U.S.C. 2209, to collect all revenue of the Post Office. The Department, pursuant to the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) as implemented in Parts 101 through 105 of title 4 of the Code of Federal Regulations is required to take aggressive action to collect postage deficiencies.

"On the basis of the facts of this case which establish that the mailings were made at incorrect rates which were quoted by postal authority, the Department indicated it would not object to the bill's enactment with a reduction in the amount so as to exclude a payment of $124.62 which Mr. Martin had agreed to pay. In this connection, the Post Office report stated:

"'Inasmuch as the Department is without legal authority to grant relief for this postage deficiency resulting from mailings of the Atlanta's Suburban Reporter at incorrect rates quoted by postal authority, this Department has no objection to the enactment of H.R. 15505. However, since Mr. Martin previously agreed to pay the $124.62 representing the deficiency for excess sample copies mailed in 1965, we recommend that the amount of the relief stated in the bill be reduced to $3,572.18.'

"It is recomended that the amended bill be considered favorably."

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

GARY W. STEWART

The bill (H.R. 16502) for the relief of Gary W. Stewart 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. 91–1491), 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 relieve Gary W. Stewart of Baldwin Park, Calif., of liability to the United States in the amount of $553.21 representing the total amount of overpayments of active duty pay received by him from January 1966 through December 1967, as a result of administrative errors on the part oof the U.S. Marine Corps with respect to his pay and allowances allotments during his active service as a member of the U.S. Marine Corps and received in good faith on his part.

STATEMENT

House Report 91–1509 reveals the following:

"The Department of the Navy in its report to the committee on the bill stated that it supports the enactment of H.R. 16502. The report of the Comptroller General recommended the correction of the figure as provided in the committee amendment, and stated that the General Accounting Office does not object to favorable consideration of the bill.

"Gary W. Stewart, 2234486, U.S. Marine Corps, was discharged from the Marine Corps on October 27, 1967. As is normal in such cases, a postseparation audit of his pay records and related documents was conducted. To obtain an accurate audit it was necessary to comprehensively analyze Private First Class Stewart's pay records for the whole of his active service. Such analysis revealed that numerous errors of commission and omission had been made in his account and that, as a consequence, the Marine Corps had paid to or on behalf of Private First Class Stewart $537.67 in excess of the amount he earned for his service. The principal errors were: payment of a dependency allotment for 1 month after Private First Class Stewart's discharge; payment of a savings bond allotment for 2 months after discharge; failure to charge a cash payment against his pay record; and payment for a period while Private First Class Stewart was in an "excess leave" status and not entitled to pay.

"The Navy in commenting on the bill outlined the various errors and the circumstances under which they were received by Private First Class Stewart. It was noted that his earnings were comprised of seven different elements, none of which remained constant throughout his service. The payments which form the overpayments took three different forms. These were: (1) cash or check payments direct to him; (2) allotment payments to third parties; and (3) pay deductions. The Navy then outlined the items which provide the basis for the $537.76 stated in the bill as originally introduced. The Navy concluded that the complexity of this analysis demonstrated the fact that the inexperienced private accepted the money in good faith. In this connection it stated:

"The complexity manifest in the above analysis shows that an inexperienced member—or an experienced member, for that matter—could be paid an aggregate of $500 too much without his realizing that something was amiss. The Department of the Navy believes that Private First Class Stewart accepted the overpayments in complete good faith.

" 'In view of the foregoing, the Department of the Navy supports enactment of H.R. 16502.'

"The committee feels that the equities of this case are even more evident when the report of the Comptroller General is considered. That report noted that an examination of the Marine Corps records shows that Mr. Stewart was inducted into the Marine Corps on January 18, 1966, and that he was discharged for hardship reasons on October 27, 1967. During this period he was assigned to Vietnam on July 28, 1966, and was avacuated to the U.S. Naval Hospital, Camp Pendleton, Calif., on September 21, 1966.

"The complexity referred to in the Navy report is further illustrated by the fact that the General Accounting Office review disclosed additional errors which increased the overpayments by an additional $15.45. The analysis shows the full amount to be $553.21 and the committee has recommended that the bill be amended to reflect that figure. The General Accounting Office found that the overpayments resulted from:

" 'A September 1966 cash payment not recorded in the pay record	$50.00
An allotment payment to Mr. Stewart's wife in November 1967 after his discharge from the Marine Corps in October 1967	123.10
Purchase of a Government bond in December 1967 not covered by payroll deductions	18.75
Pay and allowances for excess leave	174.14
Pay and allowances for unauthorized absences	117.87
Various errors in accounting for such items as commuted rations and clothing maintenance allowances	69.35
Total	553.21'

"The amount of $15.45 in excess of the amount shown in H.R. 16502 is comprised of additional errors found by General Accounting Office auditors in the accounting of the Marine Corps for commuted ration allowance, foreign duty pay and excess leave.

"In indicating that it had no objection to relief, the report of the Comptroller General stated:

" 'On the record before us, the overpayments in this case appear to have resulted solely from administrative error and, in view of his short period of military service, there appears to be no reason to believe that Mr. Stewart was aware that he was being overpaid. In such circumstances and since Mr. Stewart's hardship discharge from the Marine Corps indicates that he and his dependent will suffer deprivation if he is required to refund the overpayments, we do not object to favorable consideration of the bill.'

"In view of the position of both the Navy and the General Accounting Office and the particular circumstances of the case, it is recommended that the amended bill be considered favorably."

The committee concurs in the action of the House of Representatives and recommends that the bill be favorably considered.

RICHARD N. STANFORD

The bill (H.R. 16965) for the relief of Richard N. Stanford 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. 91–1492), explaining the purpose 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 relieve Richard N. Stanford, a retired Air Force chief warrant officer, of liability of $1,921.62 for living quarters allowance paid him as a civilian employee of the Air Force in Germany from June 13, 1966, to April 30, 1968.

STATEMENT

The Department of the Air Force has no objection to favorable consideration of the bill as passed by the House of Representatives.

Mr. Richard N. Stanford became a civilian employee of the Air Force on June 13, 1966, at the Rhein-Main Air Base, Germany. At that time the Air Force determined that he was entitled to living quarters allowance under applicable regulations applicable to civilian employees hired for service overseas. The problem in his case which ultimately resulted in a ruling that the Air Force determination was wrong relates to the fact that immediately prior to Mr. Stanford's local hire for the Air Force position at Rhein-Main Air Base, he was employed by International Standard Engineering, Inc., a U.S. firm, which had hired him locally in Germany, in November 1965, under conditions which did not provide for his return transportation to the United States.

This is significant because the provisions of the Department of State "Standardized Regulations (Government Civilians, Foreign Areas)" (Standardized Regulations) must be applied in determining if a Government civilian employee is eligible to be paid the living quarters allowance. Section 031.12c of those regulations grants eligibility to a locally hired Government employee if he had been working in the foreign area for an employer named in that section and "the employee was recruited in the United States, the Commonwealth of Puerto Rico, the Canal Zone, or a possession of the United States" by that employer, "and had been in substantially continuous employment by such employer under conditions which provided for his return transportation to" such U.S. area. In these circumstances, when Mr. Stanford was appointed to the Air Force position at Rhein-Main Air Base, effective June 13, 1966, he was not entitled to the LQA since he did not meet the above eligibility criteria. As has been noted, through administrative error in applying the provisions governing entitlement to LQA, however, he was determined eligible for and was granted LQA.

The error was discovered during a review of LQA eligibility determinations for local hires conducted by Rhein-Main Air Base civilian personnel officials at the request of officials in Headquarters, U.S. Air Forces in Europe (USAFE). Accordingly, it was found that Mr. Stanford's LQA eligibility determination was erroneous for he did not meet the conditions of section 031.12c of the Standardized Regulations, since he had not been recruited in a U.S. area by any employer for employment in a foreign area under conditions providing for his return transportation to such U.S. area.

Mr. Stanford provided information both on his application for employment (standard form 57) and on his application for the quarters allowance (standard form 1190) which should have alerted the person responsible for determining quarters allowance eligibility that either additional information and clarification by the employee or a careful review of his official personnel folder was necessary before arriving at a decision about whether or not he was eligible for the LQA.

The Air Force has concluded that the erroneous determination of eligibility and the resulting overpayment were due solely to administrative error in failing to consider properly the available information and to obtain the necessary additional information and clarification on a timely basis. The Air Force found that there was no fault on the part of Mr. Stanford causing this erroneous payment.

In indicating that it had no objection to relief under the particular circumstances of this case, the Air Force in its report to the House Judiciary Committee stated:

"There are no administrative procedures under which the Air Force could relieve Mr. Stanford of his liability to refund the $3,044.16 LQA overpayment. At the time of his separation on October 31, 1969, his lump sum leave payment of $1,122.54 for 318 hours of annual leave was withheld as partial repayment. On February 17, 1970, Mr. Stanford was advised by the Air Force Accounting and Finance Office, Ramstein, Germany, that deducting this lump sum annual leave payment amount of $1,122.54 from the overpayment, leaves a balance due the United States of $1,921.62. No further collection action was taken. Mr. Stanford received the LQA payment of $3,044.16 in good faith and in reliance upon determinations made by responsible officials.

"Based upon the above, the Department of the Air Force interposes no objection to the enactment of H.R. 16965."

The committee is in agreement with the conclusions arrived at by the House Judiciary Committee and accordingly recommends favorable consideration of H.R. 16965 without amendment.

JOINT ARMY-AIR FORCE EFFORT TO LIBERATE AMERICAN POW'S HELD CAPTIVE BY NORTH VIETNAM

The Senate proceeded to consider the resolution (S. Res. 486) relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam, which had been reported from the Committee on the Judiciary with an amendment:

Beginning on page 3, line 1, after the word "Resolved" strike all through line 17, and on page 4, line 1, strike the words "rescue mission,"; and insert in lieu thereof the following:

That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force rescue mission.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 81–1493), explaining the purposes of the measure.

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

The sole purpose of the resolution is to commend the courage of the officers and men who carried out the hazardous mission of the special joint Army-Air Force task force to Son Tay, North Vietnam, on November 21, 1970.

Senate Resolution 486, the subject of this report, was introduced November 25 by Senator Dole for himself and 34 cosponsors. It was ordered to lie over under the rule, and on November 30 it was ordered to be placed on the calendar. On December 8, the resolution was referred to the Committee on Foreign Relations with instruction to report within 10 days.

On December 14 and 15, the committee received the written comments of the Departments of State and Defense, respectively, endorsing the resolution. Under the instructions of the Senate, the committee considered the resolution in executive session on December 14 and 17. On the latter date, the resolution was ordered reported with an amendment in the nature of a substitute.

The resolution, with its preamble, reads as follows:

Whereas conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; and

Whereas increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners of war and offend standards of human decency, some having so remained for as long as six years; and

Whereas the Government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders: Now, therefore, be it

Resolved, That the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere.

Resolved further, That a copy of this resolution be forwarded by the Secretary of the Senate to each person who participated in the special joint Army-Air Force rescue mission.

Mr. DOLE subsequently said: Mr. President, earlier today the Senate adopted Senate Resolution 486. On November 25, I submitted that resolution, which was ultimately sponsored by 40 Senators, and asked unanimous consent that it be given immediate consideration in order to demonstrate the Senate's gratitude and respect for the courage demonstrated by the Army and Air Force personnel who carried out the Son Tay prisoner rescue attempt.

It was hoped the Senate would act on the resolution with the same dispatch as the House did in order that the expression of gratitude by both Houses of Congress could be available at the time special ceremonies were held honoring the men involved in the rescue mission. However, the resolution was referred to the Committee on Foreign Relations.

On December 7, the House of Representatives passed a similar resolution—the text of which was read by the resolution's sponsors at the awards ceremony on December 9. While the sentiments of the U.S. Senate could not be represented at the ceremony, today's action affirms not only the Senate's recognition of the courage demonstrated by the men who took part in the hazardous mission to rescue American prisoners of war from the Son Tay Prison but it also must be interpreted as a strong indication to North Vietnam that we condemn the continued inhumane treatment of American prisoners of war held by North Vietnam and the National Liberation Front. Their refusal to comply with even the minimal standards of human decency is not acceptable to Americans, whatever their personal opinion of the Vietnam war. Passage of this resolution during the Christmas season cannot be a substitute for the return of those American prisoners to their families and loved ones, but it is appropriate that these families know the American people care and join them in their prayers for the safe return of their men.

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 Florida (Mr. GURNEY) for not to exceed 1 hour.

TRIBUTES TO THE HONORABLE SPESSARD L. HOLLAND, THE SENIOR SENATOR FROM FLORIDA

Mr. GURNEY. Mr. President, we are here today to honor my most distinguished colleague, the senior Senator from Florida, SPESSARD HOLLAND, who is retiring after almost 25 years of service in this great legislative body. In preface I wish to make some general remarks. These are troublesome times and with American involvement in the war in Vietnam, racial strife, rising crime, and other problems there has been in recent years much public soul searching and introspection about the American commonwealth. It has been suggested in some quarters that the American spirit has been marred, even that the national psyche has been mortally wounded. There is much hand wringing and pessimism about our future; many recriminations about our recent past.

Mr. President, I do not, and I cannot share this pessimistic mood. While I recognize the frailties and the fallibility of men, and while I think our mistakes and wrong turnings must always be exposed and corrected, I have ultimate confidence in basic goodness of the American system and the durability of the American spirit.

I think one of the roots of my optimism has been my experience here in the Senate in the last 2 years. And my confidence is justified, I think, because of the caliber and the dedication I have found in the Members of this august Chamber. We are today honoring one of the most distinguished Members as his retirement approaches—the distinguished senior Senator from Florida, the Honorable SPESSARD L. HOLLAND. I suggest that the fact our country has produced a man like SPESSARD HOLLAND is cause for optimism; I suggest that the presence of SPESSARD HOLLAND in public life shows the basic good sense of our people, and I suggest that his entire career is a monument to the best elements in our national life.

Senator HOLLAND's career and presence in public life justifies our faith in de-

mocracy and reinforces my belief in the essential virtue and goodness of our Republic.

Senator HOLLAND was born in Bartow, Fla., on July 10, 1892. He was the son of Benjamin Franklin Holland, a native of Georgia and a confederate veteran who came to Florida in 1881, and Fannie Virginia Spessard Holland, who had been born in Virginia.

He was graduated from Summerlin Institute, which is now the Bartow High School, in 1909, and in 1912 he received his bachelor's degree, magna cum laude, from Emory College in Atlanta. Senator HOLLAND graduated from the University of Florida Law School in 1916.

In college, he earned membership in the Phi Beta Kappa Society and qualified for a Rhodes scholarship, which he was unable to accept because of the outbreak of World War I.

He was, of course, an outstanding college athlete who played varsity football, baseball, and basketball in college—when he was not busy as a member of the track team. He was, in fact, offered a contract in 1916 by Connie Mack to play professional baseball with the Philadelphia Athletics. If he had chosen to go that route, he would doubtless be in the Hall of Fame at Cooperstown. But World War I intervened.

In 1917, he entered in the service of his country. Commissioned a second lieutenant in the coast artillery, he went to France in 1917 and transferred to the Army Air Corps and saw action at the Meuse Argonne, Champaign, St. Mihiel, and Luneville in 1918. He is credited with officially downing a German aircraft and he lost his own plane in combat. In 1918, he was awarded the Distinguished Service Cross with the citation noting "extraordinary heroism in connection with military operations against an armed enemy." At the end of the hostilities, he was a captain.

In 1919, he returned home and made one of the wisest decisions of his life: He married Miss Mary Groover of Fort White, Fla. The Hollands have two sons and two daughters and 13 grandchildren. Both sons, who are now attorneys practicing in Florida, saw action in World War II.

After his war service, Senator HOLLAND practiced law briefly before accepting an appointment as prosecuting attorney for Polk County. In 1920, he was elected county judge.

In 1932, he was elected to the Florida State Senate where he served for 8 years. In that role, he sponsored various measured aims at reducing taxes, overhauling the Florida school code and improving the State's public educational system, increasing teacher salaries, and setting up retirement benefits. He also wrote and sponsored legislation to create the citrus commission, and legislation for old age assistance, workman's compensation, and unemployment insurance. He also sponsored the soil conservation districts act, the cooperative market act, and the fair trade act. He was a leader in the fight to abolish the State poll tax.

Senator HOLLAND was elected Governor of Florida in 1940 and served from January 1941 to January 1945, his term roughly covering the World War II period.

He was appointed to the Senate to fill the unexpired term of the late Senator Charles Andrews in September 1946 and was elected to the U.S. Senate for the first time in November 1946. He was reelected in 1952, 1958, and 1964.

During his almost 25 years in the U.S. Senate, Senator HOLLAND had missed only a tiny fraction of the thousands of record votes—and those for the most part occurred when he was excused from the Senate to be away from Washington on official business.

The Senator serves on three important standing committees: Agriculture and Forestry, Appropriations and Aeronautical and Space Sciences Committee.

There are simply too many legislative accomplishments we could speak of concerning Senator HOLLAND in my allotted time. But, I will mention a few areas only:

Senator HOLLAND fought the poll tax throughout his distinguished career. He first introduced a constitutional amendment to prohibit it in Federal elections in 1949 and reintroduced it in succeeding Congresses. In 1962, finally, it was approved by Congress and sent to the States. In 1964, it was ratified by the requisite number of States and became the 24th amendment to our Constitution.

The Tidelands Act which restored to the States the property rights in submerged coastal belts lying within the State's boundaries. Senator HOLLAND personally argued the constitutionality of the Tidelands Act before the Supreme Court in 1959.

Senator HOLLAND is, as we know, the father of our uniquely beautiful Everglades National Park. It was his foresight as Governor of Florida which preserved it; it was he who sponsored the Federal legislation which made it a national park and fixed its boundaries.

Senator HOLLAND took a leadership role in the central and southern Florida flood control project, and in many other rivers and harbors projects which have proven to be of enormous benefit both to Florida and to the Nation.

Senator HOLLAND played a large role in the Highway Act of 1956 which started our interstate highway program.

As my colleagues know, I could go on and on with a recitation of accomplishments, but our time is short and I know my colleagues wish to speak also.

But let me say this:

Mr. President, my prayer is that the Senate of the United States will, in the years ahead, be graced by the presence of other patriots and statesmen of the caliber of SPESSARD HOLLAND.

Senator HOLLAND'S long and honorable service to the Nation and to the State of Florida can never be forgotten. For almost 25 years, he has given this Chamber the benefit of his wisdom, his experience, and his mature judgment. The Senate is infinitely richer because of his presence.

In many ways, the distinguished senior Senator from Florida is the embodiment of an ideal—the personification of the qualities which the American people hope to find in their own Senator: dignity, certainty, and courtesy, but also scrupulous integrity; perception of the broad issues and at the same time attention to detail; diligence and the mastery of public issues—that is the product of long hours of preparation; independence and the willingness to speak his mind, regardless of which of our great political parties controls the White House: firmness of matters of principle and, at the same time, gentleness and respect for the honest opinions which are different from his own. There is not a Member of the Senate now who does not respect and esteem SPESSARD HOLLAND. And, Senator HOLLAND has earned that respect, by the example he has set and by the manner in which he has conducted himself.

We cannot hope to summarize in a few moments SPESSARD HOLLAND'S record of service and accomplishments in the U.S. Senate, or as Governor of Florida before that.

We can, however, mention a few of the qualities which have distinguished the Senator during his long and honorable legislature career:

He is a man of honor and integrity.

He is a man of principle, whose word is his bond.

He is a scholar and man of wide learning and great understanding.

He is a patriot, and a man of great strength.

At the same time, he is gentle and compassionate.

First, last, and always, Senator HOLLAND is a gentleman.

And now, rich in honors, in friendships, in the esteem of his colleagues, Senator HOLLAND is leaving Washington.

Our State and our Nation are richer, sir, because you have chosen to serve them. We are now, and we always will be, in your debt.

Your colleagues thank you for your service to Florida and to our country; we wish for you, Senator HOLLAND, and for your wonderful lady, Mary, good health, and God's blessing for a wonderful retirement.

Mr. President, I ask unanimous consent to have printed in the RECORD certain newspaper editorials and articles.

Mr. GURNEY. Mr. President, I ask unanimous consent that the RECORD be kept open until the adjournment of this Congress for the inclusion of written statements by our colleagues who are not present at this moment and who may wish to file at a later day.

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

Mr. GURNEY. Mr. President, I further ask unanimous consent that our tributes to Senator HOLLAND on this occasion be collected and suitably bound and inscribed for presentation to our beloved colleague.

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

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

[From the Orlando (Fla.) Sentinel, Nov. 14, 1969]

SENATOR SPESSARD HOLLAND HAS EARNED THE GRATITUDE OF EVERY FLORIDIAN

Whatever their party, Floridians have reason to be grateful to retiring U.S. Sen. Spessard L. Holland for his long, faithful and distinguished service to his state and the nation.

For Sen. Holland's political leadership has

been too big to accommodate petty partisanship. He earned and continues to hold the friendship of Democratic and Republican presidents, of congressional colleagues of every political hue, and of the people who sent him to Tallahassee as governor and then elected him to four full six-year terms in the Senate.

The Senator, now 77, will be coming back to Florida in semiretirement after his present term ends. An angina condition prompted his doctors to advise against another campaign. He expects to return to his home in Bartow to practice law, as his health permits, and to write a couple of books, one about his career and another about his wife, Mary, who is a remarkable person in her own right.

The leadership of Sen. Holland has been middle-of-the-road conservative but he was always his own man in matters of conscience. Before the present civil rights movement began, he fought successfully for the 24th congressional amendment abolishing the poll tax, a crusade that was not popular in some quarters at the time.

His contributions to Florida as governor were many. He formed the nonpolitical Fresh Water Fish and Game Commission, sponsored a gasoline tax amendment that strengthened the counties in road building, and lowered the intangible tax ceiling by 60 per cent.

As a ranking member of the Senate Agriculture Committee, Holland works constantly to improve the lot of farmers. He also serves on the Senate Appropriations Committee, the first Floridian to do so in 40 years. The Central and South Florida Flood Control District is largely Holland's doing. So was the $4 million federal appropriation to start work on the cross-state barge canal. But his Senate interests were far from parochial; they included space, military security, federal highways, airports, federal buildings, parks, forests and conservation of resources.

But no list of bills or statutes would be adequate to sum up the character and integrity of the man from Bartow. He was endowed with exceptional physical courage that made him a volunteer combat aviator in the World War I days of flying the windswept egg crates.

The young law school graduate and schoolteacher flew in France with his old school chum Sam Keesler, for whom Keesler Air Force Base in Mississippi is named. Keesler was shot down and killed, but Holland came back and applied that same raw courage to Florida's political leadership.

Thrift was and is a part of Sen. Holland's creed. Martin Andersen, publisher of The Sentinel at the time, recalls Holland's first trip to Washington in 1946: "He came through Orlando in an old beat-up Ford filled with his charming wife, his children, household pets and some of his worldly goods."

When the question came up a few years ago, Holland was one Senator who didn't hesitate to make a voluntary disclosure of his personal assets. He is comfortably well off but by no means a wealthy man—the result of having served Florida and America as a scrupulously honest politician.

The senator's physicians say he may live to be 100 if he takes things a bit easier. Thousands of his fellow Floridians wish him many more years of health and contentment. If any man in public life has earned it, Spessard Holland has. And Florida Democrats who yearn for a comeback could do worse than adopt him as a model for everything they should be and too often aren't.

[From the Evening Star Editorial, Nov. 17, 1969]

FLORIDA TO LOSE ABLE SENATOR IN THE RETIREMENT OF HOLLAND

Florida loses a great United States senator when Spessard L. Holland completes his fourth term and retires to private life in his native city of Bartow. The Senate and nation will miss him, too.

Even many Republicans who will be in greatly improved positions by Senator Holland's retirement regret to see him leave office. He had been in the Senate since 1946 and had built up a seniority which has meant much to the Sunshine State.

No matter who succeeds him, Democrat or Republican, it will take more than a score of years for any Floridian to build up as long a period of service in the Senate as has the conservative independent voting Democrat from Bartow. And seniority is important in Congress.

In addition to ranking fifth in seniority among Senate Democrats, Senator Holland has made many friends in both parties which stands him in good stead when he has a legislative or other problem affecting the Sunshine State.

Florida's senior senator is one of the outstanding members of the Senate and is the natural leader of the Southern bloc. He is a high-ranking member of the vital Senate Appropriations Committee and he is second among Democrats on the important Agriculture and Forestry Committee.

Some indication of the importance of seniority in the Senate is indicated by the fact that Senator Holland was the first Floridian to be named to the Appropriations Committee in 40 years.

Having served a distinguished term as governor of his native state after a long period of other public service dating back to 1919, Senator Holland was immediately accepted by his colleagues as a potential leader.

In recent years the now 77-year-old senator has been considered a great statesman as well as a pragmatic and powerful politician. First elected in 1946, Senator Holland was re-elected in 1952, 1958 and to his present term in 1964. Many practical political observers believe he could have been elected again in 1970, had he chosen to run.

While Republicans are relieved that Spessard Holland's name will not be on the next ballot, thousands of his Republican friends regret that a long-time heart condition forced him to decide not to make another race for office.

But the senator deserves a rest, for he has worked hard and effectively for Florida. Although he has received credit for scores and scores of "good jobs" done for his state, even those who know his work best can never fully appreciate what Spessard Holland has meant to the progress and welfare of Florida.

The man who succeeds him will have some big shoes to fill, and it will take him years and years in office to reach the pinnacle of power and influence of Senator Holland. Florida will miss his experience, many Senate friendships and his seniority.

The fight is on for the position which Spessard Holland has filled so well and so long. A half dozen or so Democrats and Republicans are contending for the Senate seat. While no election is won until the votes are counted, political observers in Tallahassee and in Washington believe Florida will have two Republican senators when the election is over.

[From the Sun Sentinel, Nov. 14, 1969]

SENATOR HOLLAND'S RETIREMENT MARKS END OF AN ERA

(By William A. Mullen)

An era ends with a certain event or events inevitable in coming and sad in arrival.

Such was the case Wednesday when Spessard Lindsey Holland announced that he will not seek a fifth consecutive term in the U.S. Senate.

His retirement will end an era in Florida politics, an era of the southern gentleman of the old school serving his constituents diligently and dignifiedly, in the stately chambers of the Capitol.

His retirement also marks the wane of an era in the Senate, the slow erosion of the conservative coalition that from time to time in the course of the nation's affairs turned back unwise or misguided plans of the liberal bloc in the Congress.

This is not to denigrate Florida's junior Senator, Edward J. Gurney, a Republican and also a conservative.

But Senator Holland, a Southerner and a Democrat of the classic southern conservative tradition, lent substance and force to the coalition.

By seniority, by culture, by character, by consistency, he "belonged" to the group of senators who placed national interest before party, who placed duty before self, and who brought statesmanship to politics.

For Florida, Senator Holland was a steadying influence in the national government, often countering the votes of more liberal co-senators with whom he represented the state over the years.

Spessard Lindsey Holland was the 28th governor of Florida, serving during the World War II years of 1941–45, and as chief executive was responsible for instituting and aiding many military programs in Florida during those years.

He did so with knowledge and experience, having served with the U.S. Army's 24th flying squadron in France during the First World War. Assigned there by his request, Senator Holland won the Distinguished Service Cross.

And as governor, he was instrumental in pledging gasoline tax revenues for highways, strengthening the ad valorem tax structure and in the creation of Everglades National Park.

Nominated for the Senate by his party when then Sen. Charles O. Andrews announced he would not seek re-election, Senator Holland was appointed to succeed Senator Andrews upon his death.

As the record shows, Senator Holland brought to the Senate experience of governor, judge, prosecutor, state legislator and smalltown lawyer.

In the ensuing years, he was not a headline grabber, although he rose to ninth in seniority in the Senate. Instead, he worked for the interests of Florida and was particularly effective in promoting the state's agricultural interests, the industry that ranks second to tourism.

The senator kept his constituents informed of his activities in a homey newsletter, in which he frequently noted that "Mary and I" enjoyed meeting Floridans who visited his office while in Washington.

Meanwhile, he lent his steadying hand to the Senate, voting as high as 90 per cent on the conservative side of the issues coming before the Upper Chamber.

But now, advancing age and a heart condition that has caused a number of "incidents," as the senator puts it, have led him to decide it is time to call a halt to his public service career.

It is an eminent and distinguished and fruitful career that comes to a close. His retirement is hard-earned and well-deserved. The one regret is that it brings to an end an era we are sure will not be duplicated, for all the qualifications of the state's congressional delegation.

This is because time has changed, conditions have changed. It would be a fitting gesture for all his constituents to thank him for a job well done and to wish him health and happiness in the golden years ahead.

[From the Florida Times-Union, Nov. 13, 1969]

A BIG PAIR OF SHOES TO FILL

While Florida's political complexion has changed with bewildering rapidity during the

past decade, the thread of continuity—exemplifying the best of the past—has been maintained by U.S. Sen. Spessard Lindsey Holland.

Yesterday, Holland announced the end of an era. He said he will not seek reelection in 1970 although he will serve out his present term.

The wisdom of his decision cannot be disputed. Troubled with angina for the past eight years, the 77-year-old senator said he had been advised by his doctors that it would not be wise for him to seek a fifth term.

The State of Florida will be the loser. In seniority alone, the loss is acute.

Holland is the second-ranking Democrat on the Agriculture and Forestry Committee, fifth on the Appropriations Committee, and a member of the Aeronautical and Space Sciences Committee.

But even more important is the respect and trust his colleagues in the Senate have for Holland. He is known as a man whose word is good and whose motives are good. When Holland tells his colleagues what a bill he introduced is designed to do, they believe him.

This respect cuts across party lines and philosophical differences. Senate liberals do not agree with his conservative views but they recognize his integrity.

Holland's ability to rally his Senate colleagues round him was demonstrated in a confrontation during the early 1960's with Rep. Clarence Cannon, the late autocratic head of the House Appropriations Committee.

Cannon was bitterly opposed to putting the final planning funds for the Cross Florida Barge Canal in the budget and Holland insisted they be included. The appropriations bill went to a conference committee of House and Senate.

Up to that time, Cannon was reputed never to have lost a major battle but he lost this one. Holland held his ground and the Senate conferees supported him. So sure were many of the House members that no change would be made in the House version of the bill that they went home to their constituencies.

However, with the Senate conferees refusing to budge, the House had to be called back into session to vote the barge canal planning funds.

Holland has not been a flashy figure on the national scene. He has been a senator whose accomplishments for his state and nation have spoken more loudly than his words.

Born in 1892 in Bartow, Holland won Florida's governorship in 1940. Although Florida governors have traditionally done very poorly when seeking another office after their terms expired, Holland reversed the trend. He was appointed to the U.S. Senate seat in 1946 and won election to a six-year term that same year. He has won reelection handily ever since—the last time over Claude Kirk who went on to win the governorship.

Now the speculation will be rife over possible successors to Holland, a question that will be decided in next year's elections. We leave that speculation to others.

The one thing that is clear at the present time is the fact that Florida's voters are being left with a big pair of shoes to fill.

[From the Tallahassee (Fla.) Democrat, Nov. 13, 1969]

HOLLAND HAS SET PATTERN FOR SUCCESS IN SENATE

We are sorry *Sen. Spessard Holland* has decided against running for another term.

He has served Florida honorably, diligently, with consistent devotion to conservative constitutional and economic principles for nearly 40 years—as State Senator, as Governor, and these past 23 years in the United States Senate.

Many Floridians have disagreed with his philosophy, but they have always known where he stood; and his continued success in the elections have demonstrated that the positions he took were those of the majority of Floridians.

Those principles have been on the losing side in Washington as often as on the winning side; but he has not abandoned them for political expedience.

Florida, the South, the whole nation need more men of such principle, in the Congress—and we can ill afford to lose another of the stalwarts.

However, Sen. Holland has more than earned his retirement. He is 77 years old. Another six-year term beginning in 1971 would carry him well into his 80s. Those of us who know him don't believe advanced age would be a handicap to a Spessard Holland. But his doctors have found signs of heart trouble. He has had cataracts removed from both eyes.

His true friends and loyal supporters would not insist that he stay and die there, perhaps prematurely, with his boots on in their service.

There are capable younger men in Florida politics—both Democrat and Republican who are anxious to succeed him. Some of them, sensing opportunity, already are running, forcing his decision. This is legitimate. And it is characteristic that Holland should advance his announcement to help clear the track for the aspirants.

It is a year before the election. The people will have every chance to study the behavior and record of the candidates—some in the State Legislature which will convene twice before then, others in executive and congressional offices, and all on the campaign trail.

We wouldn't expect Sen. Holland to become involved in any candidate's campaign, unless it should be in behalf of the Democratic ticket next fall. But he has set a pattern of policy, of personal conduct, and of political acceptance that will be hard for any of them to break.

Thus, Spessard Holland, in withdrawing, may continue the stable influence he has maintained throughout his active political career.

[From the Tampa (Fla.) Tribune, Nov. 13, 1969]

HOLLAND'S DECISION: REGRETTABLE NECESSITY

Spessard Holland is a man of independent mind but in one major political decision he has let others tell him what to do.

On advice of his doctors, Florida's 77-year-old senior Senator announced yesterday that he will retire at the end of his term in January, 1971. A chronic heart ailment (angina) has become increasingly troublesome, he said.

We accept the wisdom of the decision as we regret the necessity for it.

Spessard Holland has served with distinction in the United States Senate, as he did earlier in the Governorship of Florida and in the State Senate.

He took to Washington a rare knowledge of the needs and problems of Florida, as well as a standard of conduct which in the halls of Congress sometimes seems also rare.

The seniority acquired in four terms in the Senate, and the respect in which he is held by his colleagues, have benefited both state and nation. He has contributed a conservative weight to a body which in recent years has been overbalanced on the liberal side. His influence has been particularly strong on the important Appropriations and Agriculture Committees.

But Holland's conservatism has never blinded him to the need for reform; he has insisted only that change be wrought by constitutional process. Accordingly, he was the chief sponsor of the 24th Amendment, adopted after a long fight, which prohibited states from requiring payment of a poll tax to vote in Federal elections. (Florida had abolished the poll tax years earlier).

He also was principal author of the Tidelands Act which settled long controversy over state-Federal jurisdiction in coastal waters.

His loss will be especially great for Florida because the junior Senator, Edward J. Gurney, began his first term this year. Thus, in 1971, this state will have two freshman Senators in a body where seniority carries a higher value than it deserves.

Senator Holland's retirement gives the Republican Party a definite advantage in the coming campaign.

Congressman William C. Cramer of St. Petersburg, who in 1954 became the first Republican Congressman elected in Florida since Reconstruction days, hopes to become the second Republican Senator since that period (Gurney is the first). He is generally favored to win his party's nomination over Lt. Gov. Ray C. Osborne.

Cramer has proved himself an able and resourceful politician, in Florida and in Washington. He can expect the full support of the Nixon Administration in the 1970 general election. Most analysts have concluded that, barring a sharp drop in Nixon popularity, no Democrat other than Holland would have a good chance of defeating him.

The ease with which Gurney overwhelmed former Governor LeRoy Collins last November lends validity to this theory. So does the fact that a wide-open fight for the Democratic nomination is in prospect, leaving in its wake the usual party-splitting animosities.

But the only certainty of politics is that victory is never certain until the votes are counted.

Candidates for Florida's second Senate seat will have ample opportunity in coming months to explain their philosophies and cite their qualifications. Citizens, meantime, can be thankful that Spessard Holland, God willing, will continue as their Senator for another 14 months.

[From Today, Nov. 15, 1970]

FAITHFUL SERVANT

SEN. SPESSARD HOLLAND has made a wise choice in stepping down next year, while he is still in command of his mental faculties and, perhaps to a lesser extent, his physical health.

The people of Florida should be grateful, for the hard-to-make decision and for his 23 years of dedicated service in the U.S. Senate.

The 77-year-old statesman saved his critics the unpleasant task of challenging his reelection on the basis of age.

"I wouldn't want to give the people of Florida a damaged article for the next six years," he said. "I've seen some people—good friends of mine—stay here (in the Senate) too long."

All the people of Florida join in the fervent hope that his angina attacks will not hamper him in serving out his 24th year in the Senate, nor prevent him from living many more productive years.

He has served his state and nation well. He can take this knowledge into his retirement with confidence.

In his early years in the upper chamber, Holland was a member of the Southern Democratic bloc that practically controlled the Senate. He was an early holdout against civil rights legislation but mellowed later. He was a leader in the move that abolished poll taxes by constitutional amendment.

Sen. Holland is a completely scrupulous man. He is one of the few members of Congress whose personal fortune has decreased as a result of his service in the Senate.

Florida will love a faithful servant when he retires next year.

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[From the Tampa (Fla.) Times, Nov. 14, 1969]

SENATOR HOLLAND'S DECISION

No Floridian who has held important public offices, we daresay, has won a greater place in the affection and admiration of the people of this state than has Senator Spessard L. Holland.

Likewise, a man of 77 who has been working for the same boss—the people—for 50 years has a right to call it quits and a claim on the gratitude of his employer.

Undoubtedly, his decision not to seek re-election next year for a fifth full term in the U.S. Senate was a difficult one to reach. But in light of a heart condition he has had for eight years and two angina attacks in the past few weeks, along with his own acknowledgment that he had "seen some of my friends stay too long" in the Senate, it was the right one. Indeed, there is real wisdom in knowing when it is time to step aside for younger men.

It is interesting to note that Florida's senior U.S. senator began his elective career as a prosecuting attorney in Polk County in 1919. He later was a county judge, state senator and governor. In fact, Spessard Holland, born in Bartow, was the first native Floridian to serve the state as both governor and U.S. senator.

Throughout his public career he has represented the people with dignity and distinction.

Some persons, of course, have insisted his legislative record leans too much to the conservative side. True, he has not followed the path of the knee-jerk liberals. Nor is he one to agree with those in Congress who think every problem can be solved by carrying out a policy of "tax, tax, tax and spend, spend, spend." His votes in committee and on the Senate floor have not been based on snap judgments but on what he sincerely believed were the wishes of the majority of his constituents and his own concern for fiscal responsibility in governmental operations.

It is quite obvious that many people in this state approved of his decisions else they would not have returned him to the Senate each time by substantial margins.

Now, with the actual retirement date only a little over a year away, Senator Holland's decision to bow out eliminates one question about the Democratic primary in 1970 but increases speculation regarding those who will seek to obtain the party nomination for his seat. State Sen. Lawton Chiles of Lakeland, State Sen. Robert Haverfield of Miami and State Rep. Fred Schultz of Jacksonville are definite starters. There may be more, which will increase the likelihood of a bitter as well as a wide-open Democratic contest.

In this connection, Senator Holland, during his press conference, offered Florida Democrats some excellent advice. He said they must "work together" or a third straight state-wide race will be lost to the Republicans. The reference was to Claude Kirk's gubernatorial victory in 1966 and GOP Rep. Edward Gurney's defeat of former Gov. LeRoy Collins last year for the U.S. Senate seat vacated by the retirement of Democrat George Smathers.

He also called attention to the fact that he moved his announcement timetable ahead because Florida Democrats are planning a dinner in his honor on November 29 in Miami.

There isn't any doubt that Florida Democrats need unity and cohesiveness in the months ahead. We can't think of a better time to start striving for it than at that dinner.

[From the Sarasota (Fla.) Herald-Tribune, Nov. 14, 1969]

BAD, GOOD NEWS

The announcement by Florida's senior U.S. Senator Spessard Holland that he will retire at the end of his present term is bad news for some and good news for others.

It is bad news for the people of Florida who will lose the services of one of the state's most distinguished public officials.

Senator Holland won his first election more than a half century ago to become prosecuting attorney of Polk County. In the years that followed he was county judge, state senator and governor of Florida. He has been a United States Senator since 1946.

As a conservative though by no means hide-bound Democrat, he has accurately reflected the political philosophy of his constituents. Both by the length of his service and the esteem in which he is held by his colleagues, he has been an influential and effective Senator.

He continues, even in the timing and manner of the announcement of his retirement, to be honest and straightforward with the people of Florida. We must all regret the state of his health which caused him to decide against running for another term, but we must respect his decision and admire him for saying, "I wouldn't want to give the people of Florida a damaged article for the next six years. I've seen some people—good friends of mine—stay here too long."

Senator Holland's retirement, of course, is good news for the candidates for his seat—announced and unannounced, Democrats and Republicans.

Had he chosen to run, Sen. Holland, despite his age, would have been an odds-on favorite for re-election. Without him, the race is wide open.

Republicans have at least two contenders for the party's nomination—U.S. Rep. William C. Cramer and Lt. Governor Ray Osborne, both from Pinellas County. Both of them would appear to be better known statewide than any of the Democratic candidates, and Republicans feel that they "have the momentum" now because of the victory last year of Ed. Gurney in the contest for Florida's other Senate seat.

On the Democratic side, State Senator Lawton Chiles of Lakeland, has been campaigning unofficially for months, saying that he would run if Holland didn't. Another state senator, Robert Haverfield of Miami, is already an official candidate. Fred Schultz of Jacksonville, Speaker of the State House of Representatives, is considered almost a certain candidate. There may be others.

So, the prospect is for a hotly-contested primary in each party and an equally interesting general election campaign.

Every election involving Senator Holland was settled, for all practical purposes, in the Democratic primary. But Florida now is a two party state, and the name of Florida's next U.S. Senator will not be known until after the election of November, 1970.

Senator Holland's term is far from over. He has more than a year yet to serve. The people of Florida wish him well and can be assured that he will be working hard for them and for the nation every day that he is in Washington.

[From the Miami (Fla.) News, Nov. 14, 1969]

FULL MEASURE OF SERVICE

It was characteristic of Spessard Holland to step down from the U.S. Senate when he felt he could no longer render a full measure of service.

Sen. Holland has never given Florida or the nation anything less than his total energy since he entered politics as a county judge 47 years ago.

Even at age 77, and with a Republican wind blowing across the state, the Senate seat was almost certainly his for another term had he decided to run.

A dedicated Democrat, his decision must have been doubly difficult because of his realization that his party will be hard pressed to elect a successor.

His friends would agree, however, that after a life of service, he and his beloved Mary deserve some rest and privacy.

The Miami News has differed frequently with Sen. Holland's policies, but never with the man. He is an honest conservative, dedicated to his convictions, who provided the kind of reasonable balance a democracy demands.

Sen. Holland has served Florida exceptionally well as county judge, state senator, governor, and U.S. Senator. The public will accept his decision to retire with regret.

[From the Miami Beach (Fla.) Sun, Nov. 14, 1969]

SENATOR SPESSARD HOLLAND

Although this newspaper has not always agreed with the ideas and approaches of Sen. Spessard Holland, it is genuinely saddened by his planned departure from the political scene of this State and of our nation.

For, a difference of opinion—if and when it is an honest one, as it has been in our case—is what made this country great. And the courage and integrity of a man, even though he may not feel or think the same way you do, are the only qualifications that really count.

Sen. Holland has served Florida well and he has served his country well. The candor with which he withdrew from the opportunity to win another term only underline his stature and his character.

We hope when he departs from Capitol Hill the sun will continue to shine onto his path of retirement, lightening and brightening the years of leisure which he and Mrs. Holland deserve so well.

[From the Fort Myers (Fla.) News-Press, Nov. 14, 1969]

HOLLAND'S RETIREMENT A BLOW

There is no Floridian in official life who has served this state and its people more diligently and more effectively than Spessard L. Holland during a career in public office that spans half a century, the last quarter century of which has been served in the United States Senate. He has richly earned the retirement at the end of next year which now, at a still vigorous 77 years of age, he has elected to take. When he goes home to Bartow to stay, universal good wishes and thanks of his fellow Floridians will accompany him.

Holland's decision not to run for the fifth six-year term that he probably could have had appears to have been dictated less by considerations of his years than by the fact, unpublicized until his announcement, that he has suffered some angina attacks. Thus his decision must command public approbation.

But it will be a blow to Florida. By virtue of his ability as well as his seniority, Holland was a powerful and respected figure in the Senate, and Florida benefitted from his influence in many ways. He was the ranking majority member on the Senate Agriculture Committee and a member of the powerful Appropriations Committee as well as the Aeronautical and Space Committee. The Everglades National Park, which he sponsored as governor and brought to achievement as senator, is one monument to his public service.

Holland's retirement also will be a blow to the Florida Democratic party. With such formidable contenders as Congressman William C. Cramer and Lt. Gov. Ray C. Osborne in the field for the GOP senatorial nomination, it is not only quite possible but quite likely that with Holland out, Florida next November will send a second Republican to Washington to sit beside Sen. Edward J. Gurney.

In contrast to both Cramer and Osborne, the three Democratic candidates so far in the field are little known outside their own counties. House Speaker Frederick H. Shultz of Jacksonville has been in the Legislature only six years while the two state senators seeking Holland's mantle, Robert M. Haverfield of Miami and Lawton M. Chiles Jr. of Lakeland, have been in the Senate only four years, although Chiles did serve eight years previously in the House. Haverfield, incidentally, says in his official campaign biography that he spent his "formative years" in Fort Myers and graduated from high school here.

By their campaigns and their activities in next spring's legislative session, the three Democratic candidates can build statewide images, of course. But their identification with the Legislature could prove a political liability, too, which the Republican nominee, whether Cramer or Osborne, would escape.

While Holland's retirement will deprive the state of his services, it apparently will not remove his conservative philosophy of government from the state's representation in Congress. For all of his would-be successors of both parties are busily proclaiming their own dedication to the principles for which Holland so long and so staunchly has stood.

[From the Fort Lauderdale (Fla.) News, Nov. 17, 1969]

HOLLAND'S POLITICAL CAREER HAS HELD TO PRINCIPLES, ATTAINED STATESMANSHIP

Spessard L. Holland, Florida's senior United States Senator, has needed very little urging from his constituents to reflect accurately their interests and wishes.

This has been because the silver-haired legislator has known his state and its people as few others have known them.

Florida owes a great debt to this dignified gentleman. He has dedicated five decades of his life to public service, starting out in 1920 as County Judge of Polk County.

Those five decades were political in nature but had a character of statesmanship.

His "Washington Report" of 10 days ago was typical, He reported: "Last Monday night I listened attentively and sympathetically to President Nixon's broadcast address on Vietnam. This certainly is the most serious problem, short of recommending a declaration of war, with which any President could be confronted. I approve of the great candor with which he spoke and appreciated also his fortitude in supporting a position unpopular in many quarters. In my opinion, his position is a sound one, and I strongly support his attempt to achieve a responsible withdrawal from South Vietnam and his insistence upon an honorable peace. . . ."

As in so many instances, this highly-respected Democrat placed principle above partisanship. And this trait won for him the high regard of senators and politicians in both major parties.

But, his 77 years have begun to weigh heavily on his shoulders. And he has decided his four full terms in the United States Senate will wind things up for him. In 1970 he will not be a candidate for reelection.

Replacing him will be almost impossible. His shoes are too big to fill readily, and his years in the Upper House have given him seniority and power which cannot be handed on to his successor.

Florida will lose. The South and the conservative coalition will lose.

Nevertheless, few will deny that at his age he is entitled to shed the load that has been his—most willingly to be sure.

He will leave as an enduring monument his innumerable accomplishments and contributions to his state and nation. He will leave also a record of quality service, dedication to duty and devotion to principles that, we hope, his successors will strive to duplicate.

[From the St. Petersburg (Fla.) Times, Nov. 13, 1969]

SENATOR HOLLAND'S DECISION

Few men ever retire willingly from the United States Senate. Sen. Spessard Holland's decision to do so after 23 years must have been a difficult one, but it is by the same token an expression of the responsibility he has always typified during a half-century of public service.

No devious reasons need be sought behind his announcement yesterday that he will not seek reelection next year for a fifth term. At 77, he has decided to step down, and to make his intentions known early to clear the way for other Democrats who may aspire to their party's nomination.

We believe his decision was the right one. It signals the end of a public career dating back to 1919, and including distinguished service as a state senator and governor of Florida.

In each office, he has brought to public service the character of a true gentleman and an unassailable personal integrity. In recent years he has sometimes been out of tune with rapidly changing needs of the nation and state, but his votes have always been true to his own conscience. One might question the correctness of a Holland position, but never the fact that it was arrived at with honesty and courage.

Many Florida Democrats have hoped that he would be a candidate, in the belief it was necessary to avoid a disruptive primary contest and assure the party its strongest candidate against a formidable Republican challenge in the general election next November.

But the party can refresh itself and remain strong only by developing new, young and vigorous candidates. That is the challenge it now faces.

With the field open, it must be hoped that a number of able younger men, with the capacity to provide the party leadership within the state that should go with the office of U.S. senator, will now present themselves for the Democratic nomination.

Florida voters deserve the opportunity to make a choice among the best and most qualified candidates.

[From the Lakeland (Fla.) Ledger, Nov. 17, 1969]

A LIFETIME OF SERVICE

"The Lord doesn't make many men like him."

The words are those of a Polk County political figure of considerably less political stature than the man to whom he was referring, United States Senator Spessard L. Holland.

We agree with the observation.

While this newspaper has not always agreed with Senator Holland's stand on many issues, we respect him for the courage to stand by his convictions, and the Senator's announcement that he will retire at the end of his present term in 1971 is a distinct loss to Florida and this nation.

The seniority he has achieved through four terms in the Senate has meant much to his state, and to his party. Florida will not soon enjoy such distinction again.

His has seen a lifetime of service, starting in 1921 when he was elected Polk County judge. Then it was the Florida Senate, then the governor's chair during the critical years of World War II. And finally, the U.S. Senate.

His standard of conduct in all these years was impeccable, never tarnished. Indeed, news stories earlier this year indicated Holland was probably among the lowest-ranking members of the Senate in terms of net worth.

But men like Senator Holland cannot be measured in terms of material goods, but rather the intangibles of integrity and principle and service.

Here, where it counts, he has no peer.

Senator Holland was instrumental in winning adoption of two major pieces of legislation. He was the chief sponsor of the 24th Amendment to the Constitution prohibiting the states from levying a poll tax to vote in federal elections. The Senator's battle on this was a long one and only his persistence and patience brought ultimate victory.

Holland also was the chief author of the Tidelands Act which settled the long-standing dispute over federal-state jurisdiction in coastal waters.

Florida and especially Polk County should be proud of Senator Holland. It would seem fitting that the county's present-day leaders should begin now making plans to welcome the Senator and his gracious lady, Mary, back to that modest home on South Broadway in Bartow when he completes his term, the good Lord willing.

With countywide, even statewide, participation, it could be a real whing-ding for Florida's most distinguished citizen.

[From the Palm Beach (Fla.) Post, Nov. 13, 1969]

A GREAT HONOR TO REPRESENT STATE OF FLORIDA

WASHINGTON.—Following is the text of U.S. Sen. Spessard Holland's (D-Florida) announcement yesterday that he was retiring following his present term as U.S. Senator from Florida.

"I announced today the fact that I shall not seek reelection next year for a fifth full term in the U.S. Senate from Florida. The people of Florida know that I am now over 77 and will be 78 and a half at the end of my present term. This alone would not cause me to decline a bid for re-election, but I doubt if many know that since early 1961 I have had a mild case of angina. This heart condition has become more troublesome with passing time and in the last few months it has brought on more frequent and more severe instances.

"Through the years the Capitol physician and his assistants and other Navy doctors at Bethesda have been watching this situation as well as my general health. While otherwise my present health is good they join me in the opinion that because of the progressive development of my angina problems I am wise to conclude my Senate service with this present term. By taking due care I have every expectation of rendering continued vigorous service until the end of 1970 but I do not feel that I should attempt to continue in the Senate for an additional six years or until I am 84 and a half.

"As a life long Democrat I plan to take no part in the Democratic primary except as a voter and to support the Democratic nominee in the general election.

"It has been a great honor to represent the state of Florida and its people as governor and later in the Senate and to serve the nation as a whole here since September, 1946. I am deeply grateful to the people of Florida for giving me this marvelous opportunity. My wife Mary and our family all join in this expression of gratitude. I am particularly appreciative of the many courtesies which you representatives of the press, radio and television have shown me for which I thank you warmly."

[From the Miami (Fla.) Herald, Nov. 13, 1969]

POOR HEALTH TO FORCE HOLLAND OUT OF SENATE

(By Clarence Jones)

WASHINGTON.—Sen. Spessard L. Holland will not run for reelection next year.

Angina attacks, increasingly frequent and severe, forced his retirement decision, the 77-year-old senator announced Wednesday.

The announcement came in his dim, wrinkled leather and memento-cluttered office here.

Holland came into the roomful of newsmen after lunch. His hair freshly cut, he went around the room shaking hands. He seemed in a big hurry to get it said and done.

Still, with his sense of timing, he made another, insignificant announcement first. He kept his eyes down, apparently enjoying the moment of absolute silence and attention.

"This second one is one of those announcements," he said, looking up finally and speaking quickly, "that's happy to some and unhappy to others. I'm one of those that's rather unhappy."

Then he read a prepared statement, keeping control of his voice all the way through. At the door and in the reception room outside, the women in his staff were crying quietly.

"I wouldn't want to give the people of Florida a damaged article for the next six years," he said, rocking back in his chair. "I've seen some people—good friends of mine—stay here too long.

"They weren't reflecting complete credit on themselves or rendering the best service to their state. I've said many times that I didn't want that to happen to me. I certainly expect to be vigorous here next year in the Senate, and I can be more vigorous by confining myself to my duties here in Washington.

"I couldn't, in my condition, be down there in Florida campaigning half the time and up here half the time."

Holland's angina attacks—and his decision to leave the Senate after more than 40 years in public office—were two of Washington's best-kept secrets.

Angina attacks result from fatty deposits in the arteries leading to the heart. Discomfort usually occurs when exercise, emotion or even a heavy meal causes the heart to speed up, forcing an increased amount of blood through the partly plugged arteries.

He has suffered with angina since 1961, Holland disclosed. Two severe attacks in the last three weeks convinced him it was time to step down. He received medical treatment for the attacks but was not hospitalized.

The word had not leaked past his doctor and the few people on his staff who were aware of the pains in his chest and down his left arm.

The most severe, he said, came on Oct. 30, after he had made a quick overnight trip to Panama City to speak to a Farm Bureau Federation meeting.

Back in his office on the 30th, he said he "had a rugged day all that day, and after I got home that evening, I had an even more rugged evening.

"The doctors say it's a warning. They say I might live to be 100 and still have these things. But they said they would not seek reelection if they had to make the decision for themselves."

"He's the sort of man you can't slow down," Mrs. Ruth Fisher, Holland's personal secretary, said. "For a while I got him to take a nap every afternoon, but he wouldn't keep it up. He thinks he has to be busy all the time."

Ironically, Holland came to the U.S. Senate in 1946 to take the seat of an elderly senator who had chosen not to run for reelection because of ill health.

Holland was elected to succeed Sen. Charles O. Andrews, but came to the Senate three months early when Andrews died in office. Then-Gov. Millard Caldwell appointed Holland to fill out the remaining months of Andrews' term. Holland then began the term he was elected to serve in January 1947.

Holland is a Florida native, the son of a Civil War veteran. He grew up in Bartow, went to Emory University to be graduated magna cum laude, then came back to the University of Florida for a law degree. He was the university's first elected student body president.

Before he could get to England to accept a Rhodes scholarship, World War I broke out. Holland transferred from the Artillery to the brand-new Army Air Corps in France.

Flying in biplanes held together by canvas and wire, Holland was an aerial observer who destroyed one German plane and had his own plane shot down by enemy fire.

He came back to Bartow and was elected county judge in 1920. He left the bench after eight years to form a law firm that still exists as Holland and Knight in Bartow.

In 1932, Holland was elected to the Florida Senate, where he served until he was elected governor in 1940. He served as governor during the war years, at a time when there was neither the money nor the material to leave landmarks of his administration.

The tax structure was changed. A constitutional amendment forbidding income taxes was approved. Holland's own account of his administration stresses a balanced budget, more free textbooks and sounder school financing when he left the governor's mansion.

He was the first governor of the state to become U.S. senator. He quickly established himself as a charter member of the conservative Southern Democratic clique that ran the Senate and could effectively block any legislation they opposed in those days.

It took him a long time to become accustomed to integration. He helped filibuster Civil Rights bills. Yet he was a leader in the move that eventually abolished poll taxes by constitutional amendment.

He was courted and cultivated by Big Business, and he usually voted their way. But not because he was bought or kept. He wasn't.

He is one of the few congressmen and senators whose personal fortune has decreased as a result of his position in the Senate. Holland believes that what is good for Big Business is good for his constituents and his state.

Since early this year, the pressure and interest had been building up whether Holland would seek reelection. He said he would not decide until after he had undergone a thorough medical examination to determine whether a man of his age was still physically able to expect six more good years.

Talking about it in recent months, he was the perfect sphinx. No matter how long he discussed the decision, or how the question was phrased, he never gave any indication of which way he would go.

Probably because he, himself, didn't know for sure.

His wife wanted him to quit. She is tired of living in an apartment here and wanted to spend the rest of their years together back in their Bartow home.

Many Democrats became increasingly alarmed at the thought of his retiring. Democrats had lost the governorship in 1966, and a U.S. Senate seat in 1968, after bloody primary battles. Holland, they felt, was the one man who could avert a repeat performance.

An organized write-in campaign was started, urging Holland to run again. A few young, ambitious state legislators tried to cool the encouragement. They wanted a crack at the seat and knew they could never try unless Holland stepped down.

The Democratic Party tried to organize a testimonial dinner for Holland in Miami in mid-October. A great deal of pressure was applied to have him announce his plans at the dinner. To put it off any longer gave Republicans an increasing edge. Holland was told, if he decided not to run.

Although Republican Rep. William Cramer was already running for the seat, Holland stubbornly refused to be pushed.

And the testimonial dinner was postponed until Nov. 29 at the Dupont Plaza in Miami.

In the last week, The Herald learned, the pressure was applied once more, to try to get Holland to hold off until Nov. 29. If he announced before the fund-raising dinner, Democratic leaders argued, it might hurt ticket sales.

Once again, Holland chose to go his own way.

"As a lifelong Democrat," Holland said in his prepared statement, "I plan to take no part in the Democratic primary, except as a voter, and to support the Democratic nominee in the general election. It has been a great honor to represent the state of Florida and its people."

Holland said he did not really make up his mind until after the Oct. 30 angina attack.

His family knew about it, and perhaps two members of his staff. The rest of the office staff was called in late Wednesday morning to be told.

Holland telephoned several members of the congressional delegation and some of his closest friends in Florida to tell them.

"I never had any pre-election period," he said Wednesday, "with so many warm requests to run again. So many promises of support and contributions. Some polls have shown me to be way, way out in front of everybody, either Democrat or Republican. I didn't have the polls made, but other people did, and I saw them. So I wasn't afraid of losing."

He was most wistful Wednesday when he talked about the current condition of the Democratic Party, both nationally and in Florida. Holland is one of those politicians of another era who regarded his party with a great deal of reverence and absolute allegiance.

In recent years, that allegiance had become much more difficult for him, and sometimes impossible.

"The Democratic leaders are now moving too far to the left," he said Wednesday. "The Democratic Party was always the umbrella party, with room for everyone. It was a truly national party.

"I think the Republican Party has become the national party." Here, his voice was lower and sadder. "But it's suffering from the same ills and not finding a way to reconcile its liberals and its conservatives.

"In Florida, in the last few elections, we've broken up like a bunch of blackbirds when the primary was over and gone in every conceivable direction. Party unity? I know something about that subject.

"When I ran for governor, there were 11 of us. And every one of those men—including my opponent in the second primary—has been my very close friend, always.

"The most unexpected race I ever had was with Claude Pepper, in 1958. Now, we don't always agree in our political philosophy, but from the moment that race was over, we have been friends. He has helped me and I have helped him. We've got to have a feeling of cohesion and unity that's been largely absent in 1966 and 1968."

Holland was asked what he plans to do in retirement.

"Retirement?" he shot back. "I don't plan to retire. I'm going back to my law firm, where they tell me I'm needed as a consultant. I want to write two books. One about my experiences up here. And one about Mary (his wife) and me throughout the years.

"We haven't seen nearly enough of our 15 grandchildren. There are places we want to go, and things we want to do."

[From the Lakeland (Fla.) Ledger, Nov. 17, 1969]

SEN. HOLLAND'S CAREER SPANS HALF A CENTURY

(By Lonnie Brown)

Cokes were selling for a nickel a bottle. The Whipple Music Company on East Main was having a sale on pianos. Moore's Style Shop was selling suits for $37. Neil Hart was starring in "Hell's Oasis" at the New Casino, which offered "big shows at little prices."

The roaring 20s had started. On the November ballot, a Democrat from Bartow was running unopposed for County Judge. Spessard L. Holland had begun a political career which would span half a century. Twenty-five of those years would be spent in the U.S. Senate.

Also on the ballot, running for County Attorney, was another young Democrat from Lakeland. J. Hardin Peterson would go on to be subsequently elected to serve in the U.S. House of Representatives.

Last Wednesday afternoon, Sen. Holland, who can still shoot a turkey on a hunting trip, stepped out of politics. It was recent attacks of angina that made the senator bow out.

Holland served eight years in the Florida Senate before he ran for Governor in 1940. And just maybe he won in the May primary because of a black tie.

On election day, Tom Session, a 70-year-old Negro handyman at an Emory University fraternity house sent Holland a telegram. Session said Holland should wear a black tie on election day, because it would bring him good luck. Holland did his undergraduate work at Emory.

The senator didn't have a black tie, so he sent one of his campaign managers down to a local men's store to buy one. Holland ran top-man in the field of 11 contenders, and went on to win the governorship.

Thomas W. Bryant, a Lakeland attorney who went to the University of Florida law school with Holland, urged Holland to run for the Florida Senate in 1929. John Sweringen, then the State Senator for Polk County, was killed in an auto accident between here and Bartow.

"I went to his (Holland's) house with Sam Farabee, who then owned The Lakeland Ledger after Sweringen's funeral," Bryant said. "We urged him to run for the seat. He wanted to talk it over with Mary (his wife). The next day he got telephone calls from all over the county urging him to run."

Bryant said he tried to get Holland to run for the U.S. Senate in 1940, but Holland wanted to run for governorship.

"I told him, 'Spessard, that's going to be a hard race. You can win the Senate seat with no trouble.' Well, he said that's why he wanted the governorship. Because it will be a hard race and he thought he should know the state before he ran for the Senate."

Holland made Bryant his finance manager. "I guess I saw him the least of his intimate friends during his stay in Washington. I have had people call me up and tell me to call the Senator and have him vote such-and-such a way, but I never did," Bryant said. "He knew his job, and he had his convictions.

"He was a Godsend to this state. He knew the state, and he fought for the agricultural and citrus growers," Bryant added.

"Holland," Bryant said, "would stand up for what he thought was right. And he'd fight hard for it." Bryant pointed out that after the Tidelands Bill passed the Legislature, which gave Florida control of lands out to the 10-and-a-half-mile limit, Holland helped the Justice Department defend it.

"I think he is one of the most honest, the ablest men that has served this state," Bryant said.

Bryant was right about the Governor's race. Holland faced ten men in the May Democratic Primary, and winning the primary in those days was just as good as winning the Governor's race.

"We started our campaign in November of 1939," Bryant said.

It was a whirlwind campaign during the closing weeks of the primary. Television hadn't come in to use, and a candidate couldn't cheerfully greet hundreds of thousands of voters while half-sitting, half-standing on a walnut desk with the American and Florida flag on either side of him.

Those were the days that the successful candidate had fishfries-with-hushpuppy cookouts in Munn Park and met each voter handshake by handshake while a band played "Sweet Violets" from the white and green gazabo.

During the final week of the campaign in May of 1940, Holland spoke in all four corners of the state.

In 1945, Gov. Millard Caldwell appointed Holland to fill the U.S. Senate seat held by the late Charles Andrews. Holland had turned down a career in major league baseball to go into politics. At 54, he was just half-way through his political career.

Holland defeated J. Harry Schad, his Republican opponent for the U.S. Senate in 1946.

In that same election, J. Hardin Peterson Sr. was elected to the U.S. House.

Peterson said he and Holland have been friends for a lifetime, "and I have supported him and admired him throughout his political career."

The former city attorney remembers when he and Holland ran for county judge and county attorney.

"We didn't do too well around Willow Oak. Several years later, I saw Holland in Washington when I was elected to the House," he said.

" 'Well, I carried Willow Oak this time,' I told him. And he said, 'I carried it while I was running for the State Senate, so I guess they wanted to get us as far away from there as they could,' " Peterson related.

Holland's crowning legislative achievement was to get an amendment passed to eliminate a poll tax in Federal elections. He introduced the amendment into every session of Congress starting in 1949.

Similar amendments had started in the House as early as 1942, but for seven years the amendment died in the Senate, three times as a result of Southern filibusters.

In 1962, Holland got the amendment through, and it was later ratified by the states to become the 24th amendment to the U.S. Constitution.

The Everglades National Park was established in 1947 on land which was largely deeded to the federal government by Florida, as a result of efforts from the ex-governor of the state, Spessard Holland.

Holland was able to remove price ceilings on fresh fruit and vegetables in 1952 by adding an amendment to the Defense Production Amendments of 1952.

In 1960, he offered an amendment barring the Secretary of Labor from regulating wages and conditions for native farm workers. The amendment was rejected.

Holland ran unopposed for reelection to the Senate in 1952. In 1958, he defeated Leland Hyzer, the Republican candidate, in his bid for a third term.

And he defeated a new-comer to the political arena in his fourth term bid, a Republican named Claude R. Kirk, Jr.

Holland, the fifth oldest Senator in Congress, said he's going to write a book about his political experiences in Washington, and his life in Florida with his wife of 50 years, Mary.

The ship is pulling into port, after leaving a lot of Republican and Democratic rafts overturned in its political wake.

[From the Orlando (Fla.) Sentinel, Nov. 13, 1969]

HOLLAND HELPED STATE GROW DURING 50-YEAR CAREER

(By Earle Martin)

The political career of native Floridian Spessard Lindsey Holland has spanned more than 50 years and ranged from Polk County prosecuting attorney to U.S. Senator.

He was born July 10, 1892, in Bartow. His father, Benjamin Franklin Holland, was a Georgian and a Confederate veteran who came to Florida in 1881. His mother, Mrs. Virginia Spessard Holland, a Virginian, came to Florida in 1888.

Sen. Holland graduated from Bartow public schools and finished at Summerlin Institute, now Bartow High School, in 1909.

He was graduated magna cum laude with a Ph. B degree from Emory University in 1912. He received his law degree in 1916 from the University of Florida Law School, where he was a member of Phi Beta Kappa and Phi Kappa Phi, honorary scholastic fraternities;

Alpha Tau Omega, social fraternity; and Phi Delta Phi, honorary legal fraternity.

Holland won letters in track, football, basketball and baseball in college. While at the University of Florida he was offered a baseball contract by Connie Mack of the Philadelphia Athletics.

He was the first president of the student body at the University of Florida. He also qualified for the Rhodes Scholarship but did not receive an appointment because of the outbreak of World War I.

Holland taught in the public schools at Warrenton, Ga., from 1912 to 1914 and started his law practice in Bartow following his graduation from law school.

He volunteered for military service shortly after the United States declared war in 1917 and later was commissioned a second lieutenant in the Coast Artillery.

In France he was made brigade judge advocate and assistant brigade adjutant. Later he received a requested transfer to the Air Service and saw action as an observer with the 24th Flying Squadron on the Meuse-Argonne, Champaign, St. Mihiel and Luneville fronts. During this time he officially brought down one enemy plane and had his plane shot down by ground fire.

He came out of the war a captain and was awarded the Distinguished Service Cross. After his return from France, he toured the country with an artillery train in behalf of the Victory Loan Drive.

Holland was married in 1919 to Miss Mary Groover of Lakeland, a native of Fort White. They have four children: S. Lindsey Holland Jr., Mrs. Mary Groover Lewis, William Benjamin Holland and Mrs. Ivanhoe Elizabeth King.

Holland resigned his Army commission in July 1919 and resumed his law practice in Bartow. He was appointed immediately as prosecuting attorney for Polk County. In 1920 he was elected Polk County judge and served eight years before giving up the office to resume private law practice.

Holland was elected to the state senate in 1932 and served until 1940, when he was elected Florida's 28th governor.

Four constitutional amendments sponsored by him and adopted during his term were: The gasoline tax amendment, by which the county road bond structure was strengthened; the Intangible Tax Amendment, which lowered the intangible tax ceiling from 5 to 2 mills; a provision allowing, in an emergency, for a shortened period for amending the Constitution; and an amendment creating a non-political Fresh Water Fish and Game Commission.

Holland won the Democratic Party nomination to the U.S. Senate May 7, 1946, defeating three opponents in the first primary by more than 72,000 votes.

He was appointed Sept. 25, 1946 by Gov. Millard Caldwell to succeed Sen. Charles O. Andrews of Orlando, who was not a candidate for reelection because of ill health. He started his first regular term Jan. 3, 1957 and was reelected to six-year terms in 1952, 1958 and 1964.

Holland ranks fifth in seniority among Senate Democrats in the 90th Congress, seventh among Democrats on the Appropriations Committee and second among Democrats on the Agriculture and Forestry Committee. He was the first Florida member of the Appropriations Committee in 40 years.

From the beginning of his service in the U.S. Senate, his work there has included a leading role in securing authorization and appropriations for the Central and Southern Florida Flood Control project and for navigation projects throughout the state.

He sponsored and managed on the Senate floor passage of the Tidelands Act which restored to the coastal states ownership of submerged lands from the shore line seaward to their historic boundaries. This Act restored to Florida more than 4,000 square miles of offshore areas.

Holland also had a prominent part in adoption of the 24th Amendment, which banned the poll tax in federal elections.

He is credited with securing the appropriation of $4 million to get work started on the Cross-Florida Barge Canal.

His work in the Senate also included space, military matters, federal highways, airports, federal buildings, parks and forests and many other projects.

In 1966, when Holland began his 21st year as a senator, party leaders Sen. Mike Mansfield, D-Mont., and the late Sen. Everett M. Dirksen, R-Ill., joined other senators in an hour-long tribute to the Florida senator.

Holland's memberships include the Kiwanis Club, Masonic Lodge, Shrine, Elks Lodge, American Legion, Veterans of Foreign Wars, and the Florida and the American Bar Association.

[From the Tampa (Fla.) Tribune, Nov. 16, 1969]

HOLLAND ACHIEVED VOTE REFORMS

(By John Steen)

WASHINGTON.—When Sen. Spessard Holland, D-Fla., packs his suitcases a year from now and heads home to Bartow to conclude 24 years in the U.S. Senate, his major achievements must include a recent change in the nation's constitution:

"Amendment XXIV—Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax. Section 2. The Congress shall have power to enforce this Article by appropriate legislation."

But it wasn't this legislative success as chief sponsor of the Amendment which outlawed poll taxes in 1964 that Holland mentioned after his formal announcement he was retiring in 1970 after a half-century in the political ring.

Perhaps the impending fight on the Senate floor shortly afterwards, which he won handily, kept in Holland's mind the Central and South Florida Flood-Control program as a high point in his Senate career.

He also said he was "proud to have led the Southerners" in the filibuster earlier this year which thwarted liberal efforts to further weaken the Senate's Rule 22, or unlimited debate. But indirectly the 77-year-old Holland, whose retirement is being compelled by a heart condition, had vote reform in mind when he added that he has "one more thing," in which he'd like to participate in his final year in office.

He hopes Congress will enact changes in the electoral college to avoid future possibilities that a Presidential election could be thrown into the House of Representatives, as was feared last year because of third-party candidate George Wallace.

"I'd like to have a part in that," he commented, with "proportional weighing" of the electoral votes among the states. Holland opposes direct election.

"Ending the Vietnam war and other issues may be worthwhile to the nation," Holland continued, "but electoral reform" of a proportional type "is needed more for stable government than any other thing."

It was with this same concern that Holland said in 1962, when the poll-tax amendment to the Constitution was being debated: "I'm as much of a Southerner as anyone, but this is a moderate proposal. It seems to me the South can help its own cause by taking an affirmative position on this."

While he leaves these legislative legacies to the nation, the tall and courtly Holland will create a void of a different nature that any successor will find tough to fill. He epitomizes what a U.S. Senator should be, a person of honor and unquestioned integrity whose support cannot be bought and who tries to clearly represent his constituents.

Holland's low-pitched approach to problems also had a tendency to lull opponents into complacency, as he did with Sen. Gaylord Nelson, D-Wis., earlier this year during hearings about funds for the Central and South Florida Flood Control District. Nelson wanted funds cut off as a threat that could destroy Everglades National Park.

But Holland, acting chairman of the Appropriations subcommittee conducting the hearings, virtually smothered Nelson with kindliness and had the Wisconsin Senator agreeing with him before it was over. Nelson recovered enough this week to offer an amendment to freeze the same funds. But Holland, who Nelson acknowledged as the "father of Everglades National Park," fought back and won a showdown vote, 55–33.

His courtesy towards Nelson in the floor fight was the same as he exhibited in his office last January, when rumors flew that the Dixie Democrats' leader, Georgia's Richard Russell, was stepping aside in the filibuster-rule fight and Holland might take over.

When queried about the rumors, Holland didn't hedge. Turning aside from his questioner, he telephoned Russell to decide when the change in Southern leadership could be announced.

"Dick, this is Spessard," the conversation began. "When do you think we want to get the boys together to decide who should take over for you on Rule 22?" Holland refused to accept the role, without full approval of his Southern colleagues, although everyone agreed the Floridian was second in command to Russell.

"11 A.M. tomorrow?" continued Holland to Russell's proposed time. "That's fine, but I don't think we should say anything until everyone has had his say," ended Holland. With that, he turned to the questioner and invoked a promise of silence until the Southern caucus had broken up.

A simple nod was enough for Holland, who honored his own commitments and expected others to do the same.

[From the Lake Wales (Fla.) Highlander, Nov. 13, 1969]

HOLLAND'S RETIREMENT A SERIOUS LOSS FOR FLORIDA

As predicted on this page several weeks ago, U.S. Sen. Spessard Holland has announced that he will retire from public life at the end of his current term.

We feel a personal loss in Senator Holland's retirement, but the full impact of his decision will not be felt by the state as a whole until his successor takes office, whoever that may be.

Because of the Senate's seniority system which governs committee assignments, Senator Holland is a high ranking member of the Appropriations Committee, a post which has helped Holland enhance Florida's economy time and again when budget cutbacks affecting military expenditures, coastal and harbor improvements, etc., were achieved without undermining Florida's stake in the over-all budget picture.

Senator Holland is also the second highest ranking member of the Agriculture and Forestry Committee which has enabled him to obtain for Florida a wealth of research grants and extension assistance in the segments of Florida's economy.

In addition to 24 years of distinguished service in the Senate, Florida's elder statesman also compiled an enviable record as governor of the state during some of our most difficult years—The World War II era. With all public energies directed at win-

ning the war, the governor was left with shrinking funds, large public debts and the extra demands placed on the state by the many military training bases that dotted the peninsula.

Holland responded with an effort which produced progress in road-building, education and reform of tax laws despite the restrictions imposed by the war.

His years of diligent work in the State Legislature representing Polk County had prepared him well for the chief executive position and his role in the national legislative process.

Of Senator Spessard Holland, we say that Florida will keenly feel the loss of his services and influence, but at the same time, we can understand his desire to return to Polk County and take better care of his health than the rigors of his office and the weather in the nation's capital will allow.

Welcome home!

[From the Palm Beach (Fla.) Post, Nov. 13, 1969]

SPESSARD HOLLAND: A QUIET MAN IN POLITICS

(By Elvis Lane)

Maybe Spessard L. (Lindsey) Holland, when he retires from the U.S. Senate in January 1971, will devote more time to bird watching.

In recent years, the white-haired, bespectacled Holland, who will be 78 when he bows out of the U.S. Senate after a quarter of a century there, and his wife, Mary, have enjoyed roaming the Virginia countryside near Washington, D.C., to study birds.

Around Bartow, both Holland's birthplace and still his home, there are just as many if not more varieties of birds than there are around the nation's capital.

The venerable legislator said yesterday in Washington that when he returns home to which he describes as "Imperial Polk County," he will rejoin his law firm there, write and do some traveling.

Holland, in his college days at what is now Emory University in Atlanta, was an outstanding athlete, earning letters in football, baseball, basketball and track.

He was so good in baseball that in 1916 the late Connie Mack offered him a contract with the Philadelphia Athletics. Holland, quite reluctantly, turned it down.

He was also a conspicious student, a Phi Beta Kappa, and this, since he was a proven athlete, qualified him for a Rhodes Scholarship at Oxford University in England.

But World War I started and Holland, who was now a University of Florida Law School graduate, entered the U.S. Army as a second lieutenant.

In France, Holland managed to be transferred from the Coast Artillery to the then fledging U.S. Army Air Corps. He shot down one hostile plane and in turn was shot down by an enemy aircraft.

At the end of World War I Holland resumed his law practice in Bartow. But only for a few, brief months.

He was then appointed prosecuting attorney for Polk County and a year later, in 1920, he was elected county judge.

And ever since, with the exception of a four-year period between 1928 and 1932, he has held public office.

He was a county judge for eight years, a state senator for eight years, Florida governor during the World War II years (1941–45) and he was appointed to the U.S. Senate in 1946 by Gov. Millard Caldwell to fill the vacancy caused by the death of Charles O. Andrews.

Since then, Holland has been elected four times to six-year terms in the U.S. Senate.

Lyndon B. Johnson, while president, called Holland "one of the six most powerful senators in the U.S."

Holland is a member of three influential Senate committees—Appropriations, Aeronautical and Space Sciences, and Agriculture and Forestry.

Always, Holland has been a quiet worker and he is credited with being his most effective at behind-the-scenes committee meetings. He has portrayed dignity rather than the flamboyancy displayed by George Smathers when he was Florida's junior U.S. senator.

Some observers say this is partially the reason why Holland decided not to seek reelection.

His orderly but almost noiseless service in the U.S. Senate, they continue, has resulted in Holland being an almost unknown personality to thousands of new residents and to the youthful generation in Florida.

And since he is aging and has a heart condition, they continue, Holland lacks the energy for a vigorous, town after town, handshaking campaign to make himself well known to the vast thousands of new voters in the state.

There are other political pundits, however, who insist that Holland would have easily been re-elected simply because he is known far and wide as one of the most conservative of the U.S. senators.

Of his numerous actions in the U.S. Senate, Holland is probably best remembered for these:

—His leadership in passage of the Tidelands Act in 1953, which restored to individual states their property rights in the submerged coastal belts beside the Atlantic, Pacific and Gulf of Mexico. This added millions to some state treasuries when they taxed oil companies for their offshore drilling operations.

—The amendment which Holland first introduced in 1949 and which was finally passed in 1962 by both Houses of Congress to abolish the poll tax.

The creation of the Central and Southern Florida Flood Control District and Everglades National Park.

Holland always obtained federal appropriations for harbors at Miami, Canaveral, Port Everglades, Port of Palm Beach, Pensacola, Tampa and Jacksonville. He also saw that there were federal funds available for the East and West Coast Intracoastal Waterways.

He has taken credit for rescuing the Cross-Florida Barge Canal project when it had been scuttled by the House Appropriations Committee in 1963.

The canal, now about one fourth finished and which to date has cost $40 million, has been challenged in federal court by conservationists. They want the canal's construction halted because they charge it "is destroying the environment."

Holland was also the first U.S. senator from the South to favor statehood for Hawaii.

While governor of Florida, Holland lists the following as the greatest accomplishments during his administration:

Lowering the intangible tax from five to two mills.

Strengthening the county road bond structure so millions of dollars have been saved in interest payments.

Increasing state assistance to the needy and the blind.

Adopting a retirement plan for public school teachers.

Doubling the appropriations for free text books in the public schools.

His mother's maiden family name is Spessard, Holland frequently explains, and then he proudly adds that she came from Virginia.

His father, Benjamin Franklin Holland, he continues, was a native of Georgia and he served in the Confederate Army.

Sen. Holland and his wife have two sons, two daughters and 13 grandchildren.

[From the Bradenton (Fla.) Herald, Nov. 17, 1969]

A LOSS FOR THE STATE, NATION

Decision of Senator Spessard Holland to retire from the Senate at the end of his term next year throws the race open. Unfortunately it may also throw the state to the wolves. For one thing is certain in the Holland decision—it'll be a long time before his equal serves this state again.

This newspaper has shared the hope of many that Senator Holland would decide to run again. It has shared also the faith that only if he were convinced that his health would permit another six years would he do so. We feel now that Senator Holland's decision was made as his major ones always have been made—after thorough study, careful consideration, and sincere conviction as to what is best for his state.

Few men in the history of Florida have records of public service as long or as distinguished as Spessard Holland's. And few will match it in the future, for the life expectancy of hones and competent public servants in this politically hectic state is decreasing steadily.

This is not to say that Floridians are incapable of selecting a competent and qualified successor to Senator Holland. Prior to his announcement no hats had been tossed into the ring which were apt to set the blood racing and the hopes soaring. But now that Senator Holland is out of the running there may be an improvement in the offerings.

Still, the state will have lost its Senate seniority and the services of a distinguished and able senator. However good the replacement, he will be a long time becoming as effective.

Senator Holland merits no criticism for this loss, however. He has served the state well and far longer than the public had a right to insist. He deserves a long and peaceful retirement. He deserves also the lasting gratitude of Floridians, and Americans in general.

Mr. ERVIN. Mr. President, I am deeply grateful to the Senator for yielding.

As I view the closing days of the 91st Congress, I have two great regrets in respect to the approaching retirement from the Senate of our great friend, SPESSARD L. HOLLAND.

One of these regrets is personal in nature. I have had the rare privilege of sitting just behind SPESSARD in the Senate Chamber for a number of years. I have depended upon him more than upon any other Member of the Senate for advice in respect to legislation as it came before the Senate for enactment or amendment or rejection.

I regret that SPESSARD is going to retire at the end of this session because I will have to find another counselor. I know of no one who can counsel me with the wisdom with which SPESSARD has counseled me. So I am going to have to do a lot more hard work myself in arriving at conclusions. I have such great confidence in SPESSARD's judgment that I never hesitated to accept his advice in respect to any legislative proposal on a matter which I had not had the opportunity to make sufficient study to satisfy my mind as to what course of action we should take on that proposal.

My other great regret is on behalf of my country. I frankly regret SPESSARD HOLLAND'S retirement from the Senate because—despite the fact that there are many able men in this body and there have always been very many able men

in this body, and I pray God that there will always be many able men in this body—I do not think any person has answered more fully the description of a good public servant than SPESSARD.

I can say of him that he has done well and been faithful in every obligation life has imposed upon him. Moreover, he has distiguished himself in war as well as in peace.

He was awarded the Distinguished Service Cross in the First World War for extraordinary heroism in action. Those words "extraordinary heroism" have characterized SPESSARD HOLLAND in all of his public services as prosecuting attorney, county judge, State senator, Governor of his great State, and a Member of the U.S. Senate for a long term of years. He has exemplified what a public servant should be, one of whom we can say, "Well done, thou good and faithful servant."

I happen to believe that experience is the best teacher of all things. I do not think anyone ever brought to the Senate a finer background of experience to qualify him as a Member of the Senate than SPESSARD HOLLAND. Not only did he bring that experience, but he brought great strength and learning in law and in history and in economics and in all other fields in which the Congress of the United States has to work.

He has a strong mind. Indeed, he has a powerful intellect. He also has the great characteristic of intellectual integrity, as much so as I have ever known any man to possess.

Furthermore, as he exhibited in the First World War, he not only has physical courage, but he also has an extraordinary amount of moral and political courage.

Of him it can be truly said that he never sold the truth to serve the hour.

There was another man who bore the surname of Holland, Gilbert Holland, who wrote a poem which I myself call "America's Prayer" though that is not the name which the poet assigns to it. The poet named it "Wanted."

As I recall, the poem is as follows:

God, give us men. A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demogag
And damn his treacherous flatteries without winking.
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

SPESSARD HOLLAND is a perfect answer to the prayer embodied in the poem which I call America's prayer.

My good wife, Margaret, and I have been privileged to know SPESSARD and Mary Holland for almost 17 years. We have formed for them a deep attachment.

As they return to Florida to enjoy a well-merited retirement, our love goes with them and we wish for them nothing but joy in the days that lie ahead.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. MANSFIELD. Mr. President, I join my colleagues in the Senate today who are expressing their deep regret at the voluntary retirement of one of the most respected Members of this body.

Senator HOLLAND has served his State and his Nation well. He has served as a soldier and, as the distinguished Senator from North Carolina has pointed out, he was decorated for extraordinary bravery. He has served in the judicial branch of his State. He has also served as a State senator as well as Governor and, for lo these many years, as a Senator from the State of Florida.

SPESSARD is a man of high moral principles and deep convictions. That is well known. It is well known also that he is most determined in what he sets out to achieve. He is determined, yet always willing to listen to the other man's point of view. No one could ask for more, because there are always at least two sides to every question.

I have come to admire SPESSARD HOLLAND and to have great personal affection for him because toward me he has always been most considerate and courteous; and as he has been toward me, so he has been toward all his fellow Senators.

It is with a feeling of deep personal sorrow that I note the departure of this great Senator from this Chamber to return home to his great State of Florida. But with this sorrow there is a sense of gratification; gratification for the outstanding manner with which this man has served his Nation and his State.

I could not let this occasion pass without expressing also my affection and admiration for his devoted wife Mary. Together, the HOLLANDS of Florida have provided an example which the country as a whole could follow. They make an excellent team.

So, when SPESSARD HOLLAND leaves, Mary Holland leaves as well. It is a passing from one scene to another.

We wish them both well. We hope they will find time on occasion to come back to Washington to give us the benefit of their advice and their counsel, because it will always be appreciated, it will always be needed, it will always be valued.

Mr. GURNEY. Mr. President, I yield to the distinguished senior Senator from Nevada.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. BIBLE. Mr. President, I thank the Senator.

It is entirely appropriate that this morning we pause with mingled emotions to pay our tributes to a man who for a quarter of a century provided legislative leadership in the Senate of the United States.

SPESSARD HOLLAND, the senior Senator from Florida, has earned the respect and admiration of all of us, regardless of political persuasion. He has given generously of his time, great energy, and considerable talent to build a record of distinguished achievement. Many of our most important laws bear the imprint of his keen mind.

Equally important, we have relied upon him for his outstanding judgment and wisdom. We know him as a clear, analytical thinker with the ability to shape objective conclusions. Certainly all of us have benefited from his counsel, and not once but many times.

Senator HOLLAND's entire life has been a series of chapters of excellence. As an educator, as a decorated combat soldier, as a practicing attorney, as a member of the judiciary, as a State legislator, as Governor of the State of Florida, and as a U.S. Senator he has served the citizens of his State and Nation with honor and distinction.

I know of his great love for a great national park in his State, the Everglades. In my judgment, he is properly the father of the Everglades. To show his persistence and his belief in preservation I can attest firsthand to the many, many times he has pressed me on, and on, and on, to do more, and more, and more to help to preserve and make the Everglades the great place it is today. That is but one example of the many things he has accomplished. I remember him very vividly for that because his persuasion has been overwhelming.

He has been a great Senator. He will always truly be a great American. I count myself fortunate to have been his contemporary. I hope our warm friendship will endure throughout our remaining years here on earth. To his life partner, Mary, and our good friend Senator HOLLAND, our best wishes, whether here in the Nation's Capital or in the State of Florida.

Mr. GURNEY. Mr. President, I yield to the distinguished Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, this is a happy occasion and at the same time a sad occasion. I rise on an occasion like this not to say goodbye but to say so long for a short period of time because I expect to see my good friend and his wife Mary often. I know they will not stay away from here long and that they will be coming back to give us the pleasure of seeing them.

Mr. President, I wish to associate myself with the remarks of distinguished Senators who have said so many nice things about our good friend, SPESSARD HOLLAND, particularly the remarks of my colleague from North Carolina, Senator ERVIN.

I have known SPESSARD HOLLAND a long time before I had the pleasure and the privilege of serving in this body. Long before I came to the Senate I was chairman of the Democratic Party in North Carolina. At my invitation he came to Raleigh, N.C., to deliver the Jefferson-Jackson day address, which was one of the first opportunities I had of really knowing him.

SPESSARD HOLLAND was a great personal friend of Willis Smith, who served in the Senate until his passing, and his wife Dolly, who is still living, and who

is a great friend of the Hollands. I had the pleasure of knowing SPESSARD HOLLAND long before I came to the Senate. This gave me the added opportunity when I came here to have a friend whose help I could seek because I did respect his knowledge and understanding of things I did not know at that time, and I have continued to turn to him for answers to questions on matters which have come before his committees on which I did not serve, because his answers would be the very best that he could give me and I knew I could trust him all the way.

We are going to miss SPESSARD HOLLAND. All of us will miss him. Last night I had the pleasure of riding hime with him. He lives close to my residence. Quite often I have that privilege, which gives me time away from the bustle of this Chamber just to visit with him. I have enjoyed the many occasions when we were together, especially in connection with legislative affairs.

Mr. President, I say to SPESSARD and his charming wife, Mary, who is in the gallery now, that our hearts go with them. He has earned retirement, every minute of it. We wish him a long life in his native State. I hope they will both come back to visit us here because they will always receive a warm welcome.

I thank the Senator.

Mr. GURNEY. Mr. President, I yield to the distinguished senior Senator from Rhode Island.

Mr. PASTORE. Mr. President, I could not write what I have to say about my seatmate and colleague, this giant of the U.S. Senate, SPESSARD HOLLAND, for what I have to say comes from the spontaneity of the heart and not from the meditated word.

If anyone should ask me what it takes to make the whole man, I would readily say without hesitating, "Look at SPESSARD HOLLAND." He is a gentleman in all seasons, regardless of what the tensions might be, or what the disputes might be, a man who never loses his posture or composure. He may disagree with you, but he is never disagreeable. He has been an inspiration to this institution. To me he has been "Mr. U.S. Senator."

I have sat alongside him for many years. I have received his very sagacious counsel and his advice. I have served with him on the Committee on Appropriations. He will fight, he will contest, but he always has that innate ability of practicality, and that is to know when to compromise, to know when to say yes, and when to say no. I have never known him once to relinquish or retreat from his convictions; but that does not mean he has not been an understanding man. I think he understands better than most of us who comprise this august body would ever understand.

One of the great satisfactions I have had as I have sat alongside him has been to look to that gallery from time to time and see his Mary watching him to see that he did not exert himself too much, and always with a very gracious and pleasing smile, as any adoring woman would have for a husband she loves.

To me SPESSARD HOLLAND is a great American, a great scholar, graduating from his alma mater with magna cum laude distinction, a great soldier in the U.S. Armed Forces during the war, a great Governor for his State of Florida, and an exemplary and excellent Senator in the years he has served in this great body.

Naturally we hate to see him go but sometimes in the lives of all of us we have to make these decisions and, frankly, I am happy to see that he made it when he did because he still has the vigor and the energy, and I think he has earned the right to relax together with his loving wife and enjoy all the rest of the days that lie ahead with great satisfaction and pleasure.

Mr. President, I wish to say in this blessed and holy season may the Lord crown him and all of his with many years of happiness in good health, and whatever his goal may be may he always reach it and especially may be remember that he has behind him the affection, the gratitude, and the best wishes of all his friends, including JOHN PASTORE.

Mr. GURNEY. Mr. President, I yield now to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, it seems almost superfluous for me to participate in this hour of tributes to the Senator from Florida, because I cannot think of anything to say now that I have not said so many times before, both privately and publicly.

In the first years that SPESSARD HOLLAND was a Member of this body, I sort of regarded him as a superb representative for his State of Florida, both as a Governor and as a Senator. But as time went on, I began to realize that he was not only a Representative of Florida, but also a stalwart Representative of the United States; and he has been particularly effective in guarding the democratic principles of all the people of this country, including, of course, the people of Florida.

That has been particularly noticeable in his work as a member of the Appropriations Committee and the Committee on Agriculture and Forestry, and I have served with him on that committee, ever since he has been here.

As far as I am concerned, I would like him to remain as a Member of the Senate for the next 100 years. He seems to think that is a little unreasonable, however, and, unfortunately for us, he is voluntarily retiring—I will not be considerate enough to grant him retirement. I certainly do not want him to retire, but, as I said about the Senator from Delaware (Mr. WILLIAMS) yesterday, he is bound to be a leader not only of the citizens of his State, and from all over this Nation they are going to look to him for advice and leadership. I do want him to come back very frequently to give us the benefit of his views, and perhaps some of the Members of this body will listen to more closely if he comes back as the head of a host of privite citizens than they did when he was a Senator. I certainly hope they will do that.

But I want him to come back on condition that when he does, I want him to bring his wife Mary with him.

Mr. GURNEY. Mr. President, I yield now to the distinguished Senator from Georgia (Mr. TALMADGE.)

Mr. TALMADGE. Mr. President, I am proud indeed to join my colleagues in the Senate in paying tribute to my good friend SPESSARD HOLLAND, the distinguished Senator from Florida, on the eve of his retirement.

It has been my pleasure to know and work with Senator HOLLAND for some 30 years. Our association goes back to the time when he was Governor of Florida. He became Florida's chief executive after a distinguished career in the State senate.

We almost claim SPESSARD HOLLAND as a Georgian. His father was born in Carroll County, Ga., and Senator HOLLAND graduated magna cum laude from Emory College at Oxford, Ga. He presently serves as a trustee of Emory University in Atlanta. His first position after graduation from college was in Warrenton, Ga., as a school teacher. So SPESSARD HOLLAND'S roots go deep in Georgia, and I am proud to count him as one of my warmest longtime friends.

It has been my privilege to serve on the Senate Committee on Agriculture and Forestry with Senator HOLLAND for 14 years. He is one of the ablest Senators I have ever known and one of the hardest working. He is on the floor of the Senate more than any other Member, except the leadership.

Senator HOLLAND has tirelessly dedicated himself to service to his Nation and the State of Florida. He has distinguished himself in the Senate as a man of great courage and conviction on all legislative issues. His devotion to duty in the Senate over the years has characterized him as a champion of the strength, security, and well-being of the United States and all its citizens. We all congratulate him for a job done exceedingly well.

Senator HOLLAND has been a source of inspiration and leadership to us all. I for one—and I know every Member of the Senate will dearly miss him when he leaves us.

As he retires to go back to his beautiful and lovely State of Florida, we wish for him and his lovely and charming wife Mary future good health, happiness, and prosperity. I hope his taking leave of the Senate will not be permanent, but that he will return frequently to Washington and give us the benefit of his wise counsel and advice.

Mr. President, it is a matter of deep regret to my distinguished colleague, the senior Senator from Georgia (Mr. RUSSELL), that his hospitalization prevents him from being here to join in these tributes. He has provided me with a statement for insertion in the RECORD.

Mr. President, I ask unanimous consent that his remarks be included in the RECORD as though delivered, and that they also be included in the separate document to be printed at a later date.

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

Mr. RUSSELL. Mr. President, it is a distinct pleasure for me to join the encomiums expressing respect and affection for our beloved colleague, the senior Senator from Florida.

Even if I dealt with this subject at filibuster length, which would be easy enough to do in view of his long and distinguished record of public service, I do not believe I could adequately express my admiration for SPESSARD HOLLAND.

Mr. President, there are many reasons I regret that he will be leaving this body at the conclusion of this session and not the least of them is the realization that his wisdom, diligence, and profound knowledge of agriculture will no longer be applied in the management of the agriculture appropriations bill.

Senator HOLLAND comes from a farming family and is basically a man of the soil. As a result of this background, he has acquired a natural interest in farming and farm problems.

Daniel Webster said that the cultivation of the earth is the most important labor of man and there is no segment of our economy that is more vital to the welfare of our Nation than the agricultural community. The Nation has incalculably benefited because SPESSARD HOLLAND, with his amazing capacity for work and outstanding ability has been concerned with farm problems.

He and I have shared a common interest in this subject through the years and were it not for the fact that someone of his ability and interest was in line to assume the chairmanship of the Agriculture Appropriations Subcommittee, I daresay I would have been far more reluctant to relinquish it for Defense Appropriations several years ago.

If his service were measured only in terms of his contributions to agriculture, he would be considered one of the great Senators of the past three decades. As important as this subject is, his service, however, should be considered in far broader terms.

As an outstanding attorney and jurist, he has a depth of understanding of constitutional government and has been a fierce defender of our basic system against the assaults of those who would capriciously change it. He likewise understands the unique role of this body in our form of government and has been a guardian of its position and power.

He has never failed to fight for the things in which he believes and never at any time has this man departed from his honest opinions under pressure from any source.

He brought to the floor of the U.S. Senate the strength of character and courage which won for him the Distinguished Service Cross in France during World War I. He received this award from "Black Jack" Pershing for action as an aerial observer when the use of aircraft in warfare was far more dangerous than it is today.

Mr. President, I believe I can state without fear of successful contradiction that few Senators of this era have been accorded greater trust and confidence by their constituencies than SPESSARD HOLLAND.

They have called on him to serve them throughout the past three decades—first as Governor during the early 1940's, and for the past 24 years as a U.S. Senator.

Their trust and confidence has been well placed because the State of Florida has reaped manifold benefit from his service and he has never once misused his public office. I have no doubt that if he had stood for reelection last November they would have overwhelmingly returned him to this body and I was interested to note in statements earlier this year that the junior Senator from Florida—a Republican—shares this opinion.

We Georgians feel justified in sharing in large measure the feeling of pride that the people of Florida have for Senator HOLLAND, because his roots are deep in our State. His family moved to Florida from Carroll county, Ga., and he received his college education at Emory University near Atlanta. Prior to entering law school at the University of Florida in Gainesville, he taught school for a couple of years at Warrenton, Ga., and today, he continues to serve as a member of the board of trustees at Emory.

Senator HOLLAND and I have many things in common. We come from the same region; we have similar convictions; and we have shared an unusually warm friendship throughout the years. He has manifested this friendship in many ways and I have tried to reciprocate in full measure.

Mr. President, I know his decision not to seek reelection last fall was difficult to make because he shared with me many of his thoughts during the period in which he was trying to reach this conclusion. But he can enter retirement with the knowledge that no one is more entitled to enjoy the pleasure and contentment that are in store for him in the years ahead.

When he takes leave of this body, he carries with him the deep affection and respect of his colleagues and the profound gratitude of people throughout the Nation, as well as Florida.

Mr. GURNEY. Mr. President, I yield now to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, this is not a happy day for me, nor a happy occasion, noting the retirement of one of our most dedicated and one of the stalwart Members of this body. I told Senator HOLLAND last spring, that I regretted his decision to retire, but that I respected it, and that is the way I still feel about it now.

In addition to the fine qualities that have been mentioned—and I do not believe we have a subject about whom there could be a more sincere and earnest praise in appreciation of his character and his fine record—I want to emphasize that I have noticed that so long as he was around, Florida never lacked for a determined, able, well-prepared, effective advocate and worker. That was in the little things as well as the big things.

Senator HOLLAND has always known his State and its needs as few men have, and he has sought and effectively followed up every opportunity there was—and there were many—to advance the State's industrial growth, economic strength, beauty, its place in the Nation, and everything that goes with those qualities and goals of the State.

He never forgot who sent him here, the people of his own State; it was to them he felt he owed his primary obligation, subject, of course, to the national welfare as a whole.

I have been impressed, too, by his inexhaustible energy, and he still has it even though he is retiring. He applied himself, as I said, to many subjects beyond his State, of national concern, and he was versed in those categories, too.

I would like to emphasize that I have always felt he had his hand right on the pulse, too, of what was reasonably necessary for the national security.

He was never given to lavish spending or reckless appropriations, but he never hesitated, when he thought a question of what was necessary for our national security was involved, to give the matter his active, vigorous attention, and support.

I have said before at a social function, regarding our friend—and I say these things now not as one who always agreed with him; we found ourselves at difference sometimes, but his fine qualities always came through—that someone told me, when I first came here, "HOLLAND, of Florida, is one Senator that you cannot buy," meaning by that not just money matters, but that you could not buy him off with flattery, appeals to vanity, or in any other way, but that he would keep his eye on the ball and strike for what he thought was right and sound.

My informant also said you could not bluff him, either. I have seen many times since that that was true; not that anyone tries to bluff him on anything, but we all get in tight places in legislative battles. He might have to yield from what he thought was reason and logic, but he would never retreat from principle, nor under a threat of reprisal.

I express my best wishes also to his wonderful wife, Miss Mary, as I call her. I remember, too, their daughter, who was just a very young lady when I first came here. The sons I did not have a chance to know well, but they are certainly splendid, valued citizens.

So we will not say goodby here. We will just say, "so long" for the time being, for we want both of them to come back. Their records, their career, their social life, everything is summed up in the words ,"genuine gentlemen and ladylike lady." God bless them, and thank God that they have been here and for what they are. Mrs. Stennis joins me in the sentiment of this entire statement.

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

Mr. GURNEY. I yield to the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, it is with sorrow that I rise to add my remarks on the retirement of our esteemed colleague, SPESSARD HOLLAND. As a member of the Agriculture Appropriations Subcommittee it has been my great privilege to work with Chairman HOLLAND for 7 years. In addition before I joined the Appropriations Committee I served

with the Senator on the Agriculture Committee.

To my mind two words can best sum up Senator HOLLAND'S—they are consideration and industry. He has been unfailingly considerate of the problems and needs of the people of my State. He has always been willing to listen to those problems and try to find solutions with me. His leadership on matters such as the special milk program for schoolchildren have been essential to the success of these programs in the face of sharp criticism—and this has benefited not only my State of Wisconsin, but the Nation as a whole.

But Senator HOLLAND has not acted on these matters simply out of consideration for others. He has always looked at the problem objectively and acted in the best interests of the country. And this is where the second descriptive word comes in. He has shown remarkable industry in dealing with the matters that fall within his jurisdiction.

I do not know of any Senator who has worked longer, harder, or more conscientiously or faithfully than has Senator HOLLAND. He has acted in full possession of all the facts and only after the most thorough knowledge of the pros and cons. This has entailed a tremendous effort—long hours in the hearing room and in his office. But it has resulted in a better agriculture policy for these United States.

Mr. President, I have worked with Senator HOLLAND on numerous occasions. It has always greatly strengthened my position when I worked with him. There have been times when he and I disagreed very strongly on some issues, both in committee and on the Senate floor, but Senator HOLLAND has been a gentleman, very considerate, very understanding, always working to achieve the best interests, in his view, of the country, and never taking opposition personally, or feeling that it is something mean or petty. I think he is a superlative Senator in every sense.

In summation I can only say that I can think of no man in this body who is better equipped to fairly and knowledgeably judge issues of national import than Senator HOLLAND. He will be sorely missed.

Mr. GURNEY. I yield now to the distinguished assistant majority floor leader, the Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, I wish to express appreciation to the junior Senator from Florida for taking this time today so as to permit his colleagues to pay these very just tributes to a truly great Senator.

The Senate is about to lose another great Member. I first heard about SPESSARD HOLLAND when he was Governor of Florida, 25 years ago. I was a welder in the shipyards, living in Tampa. While Governor Holland was then building the State of Florida, I was helping to build the ships which brought liberty to oppressed peoples and victory to the free world.

Now, a quarter of a century later, I am glad to join in these tributes to him as a U.S. Senator. I suppose I have sat on this floor as much as has any other Senator in recent years. That has not been without its costs, but neither has it been without its rewards. One of those rewards has been that of watching other Senators as they serve their people daily here. As I have observed SPESSARD HOLLAND, I have thought of him as a man who is most conversant with just about every issue that comes up on the Senate floor. I have seen in him a composite of all the good qualities of the other Senators who serve here. I see in him the good will of an ALAN BIBLE, the dedication to duty of an ALLEN ELLENDER, the compassion of a JOHN PASTORE, the gentleness and kindness of a MILTON YOUNG, the fairness of a MIKE MANSFIELD, the keen mind of a HERMAN TALMADGE, the respect for law of a JOHN MCCLELLAN, the good humor of a GEORGE AIKEN, and the love and dedication for the good name of the Senate of a DICK RUSSELL.

I regret to see SPESSARD HOLLAND retire from service in this body. Yet, I think that this demonstrates one of the marks of greatness in a man, that he recognizes the realities of life while he is still in the full possession of his mental and physical powers. However, Senator HOLLAND'S services to his country will not end with his retirement, I am sure, but will continue—in one way or another—as long as he lives. For it is in the very nature of great and good men to want always to serve and sacrifice for others:

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could,
The poor and unfortunate multitude,
In its hard and cheerless way.
He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

Such a man is SPESSARD HOLLAND.

I close, Mr. President, by transgressing one of the rules of the Senate—that rule which admonishes us not to address another Senator in the second person.

SPESSARD, you will leave behind you many friends, but remember, as you go, that these friends wish for you and Mrs. Holland:

Work for your hands.

A straight path for your feet.

A coin for your purse.

Sunshine on your window pane at morning.

A song in your treetop at evening.

The hand of a friend on your latchstring.

Soft rains for your garden.

Love at your fireside.

Happiness in your heart.

And God's wonderful blessing always.

Mr. GURNEY. Mr. President, the majority leader has reminded me that, because of urgent legislative business, I will have to yield the floor at 10 o'clock.

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

Mr. GURNEY. I yield.

Mr. MANSFIELD. Perhaps later in the day, those who want to speak will be given that opportunity. We have to honor that obligation to the Senate as a whole, despite our personal feelings.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I join my colleagues in paying tribute to SPESSARD HOLLAND, a man who is recognized as a great American.

SPESSARD HOLLAND is a man who, upon assuming public office, accepted it as an opportunity to serve the people of his State and his country.

I came to the Senate just 3 months after SPESSARD. During these 24 years, both Elsie and I have developed a great respect for SPESSARD and his gracious wife, Mary, as well as a personal friendship. As he returns to his native State of Florida, they both carry with them the very best wishes of all his colleagues and friends. Good luck, and many years of happiness.

Mr. GURNEY. Mr. President, I yield to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, I thank the distinguished junior Senator from Florida for his courtesy.

I have not had the privilege nor the opportunity of serving as long as have many Senators with our distinguished and beloved friend from Florida; but the years during which it has been my privilege to know the distinguished senior Senator from Florida personally have been rich ones, indeed.

I am aware, as has already been pointed out by the distinguished majority leader, that Senator HOLLAND has a very wonderful background of service to his country, including service in the military.

He has served, also, as Governor of the State of Florida, and I should like to say a word or two about that. It occurs to me that he, better than some, has a very keen appreciation of the importance of keeping government as close to the people as possible. I think his record here in that regard speaks for itself.

While he is a Democrat and is revered and respected widely, known the country over as a very effective spokesman for the Democratic Party, he is, first of all, a spokesman for America.

In that respect, he has done yeoman service not only for his State of Florida but also for all the 50 States, including my own State of Wyoming. Through former colleagues of his from Wyoming, I knew and appreciated the tremendous dedication of this man—his desire to serve in order that he might contribute something to the people of America and help make our Government work better.

I think that, as he retires from the Senate by his own action, he leaves a

great record, a great inspiration for all of us to try to follow. I am aware that he served with great distinction as a member of the Committee on Agriculture and Forestry. When one contemplates his service to agriculture on the one hand and his interest in and support for the space program on the other, one gets some concept of the breadth and capacity of this man to involve himself in many things that are good for America.

I salute him. I have nothing but good wishes for him and his lovely wife, Mary. I can assure him that Mrs. Hansen and I shall look forward to seeing them many times.

Mr. GURNEY. Mr. President, we have only 5 minutes remaining, and I am sure that the senior Senator from Florida will want to make some remarks himself. I now yield to my distinguished senior colleague from Florida.

Mr. HOLLAND. Mr. President, I am grateful to my distinguished junior colleague not only for what he has said and for what he has allowed all the other gracious Senators to say, but I am grateful as well for his yielding to me that I might make brief remarks.

In the first place, I want to thank my friends who have come here so early this Saturday morning for the fact that, after recessing in the Senate last night at nearly 9 o'clock, so many of them have shown up here at 9 o'clock this morning. I think that is something for the RECORD to show, and something which I deeply appreciate.

I would not want anybody to think that I am other than humble and other than understanding of the courtesy of the Senate and that I realize that many, many of these statements have been overgenerous. But I am very grateful for them, every one of them.

May I say that as I terminate more than 24 years of service in the Senate, and as Mary and I wend our way homeward to our native State which both of us love so much, I take with me not only great gratitude for these overgenerous statements of our wonderful friends in the Senate, but also, I take with me the feeling that it is the Senate as an institution, as the greatest parliamentary body existent in this Nation and in the world for the safeguarding of the freedom of men and women and children—it is the Senate that all of us think about most here and think about most this morning. We will all be grateful, to the end of our days, that we have been privileged to be Members of that great, sturdy body, the Senate of the United States. I feel that way. My beloved wife will feel that way always.

I want that to be my first statement this morning: that I realize completely that it is the Senate in which the love of all of us is centered and will always be centered.

The second thing I want to say is that I am sensible, particularly this morning, but have been for a long, long time, of the fact that it is the personal friendships and the personal contacts and the personal mutual respect of other Senators, and of ourselves for other Senators, that will linger in my mind always as being the most memorable thing that we take home from the Senate. The admiration, the respect, the deep affection which I have felt and will always feel for fellow Senators is what has characterized my own presence here for these few passing years as the thing which is most memorable and completely unforgettable.

I love the Senate. I have loved many Senators in a way which I cannot adequately express at this time. I just want the RECORD to show that these two things, love of the Senate and the respect, admiration and affection of other Senators, are the two lasting things which I think every Senator takes with him and every Senator's wife takes with her as we leave the Senate.

We are deeply grateful for all these kind expressions, but we are even more grateful for the chance to serve in this great body which has known so many fine people, to have shared service with them, and to leave with our own admiration, respect and affection for them so deeply ingrained in us that it can never be forgotten.

Mr. PELL. Mr. President, I am delighted to join in these tributes to Senator HOLLAND, the senior Senator from Florida. He was one of the few Senators whom I had met before I joined this body. To me, he has always exemplified the qualities and intelligence that one looks for in a Member of this body.

A sensible, gallant, and able gentleman, his departure means a very real loss to us all. I know how much we all have come to know and admire his abilities in the course of the years.

Accordingly, it is with every good wish that I extend best wishes to him and Mrs. Holland on his retirement. I know we shall all miss him and hope that we shall see him as he returns to visit this body, of which he has been an important part for such a long time and to which he has contributed so much of himself.

Mr. INOUYE. Mr. President, SPESSARD LINDSEY HOLLAND will be long remembered in the Halls of the U.S. Senate and that memory will linger not primarily because for so long this has been his home—his place of work—but because of the contributions he has made and the gentleman he has been in all his efforts.

Senator HOLLAND and I have not always agreed on legislative matters. In fact, I would hazard that we have disagreed on many of the so-called key issues on which Members of the Senate and members of my party have been divided. He has, however, always espoused positions honestly held and done so with great good manners for the rights of those who held a differing point of view. There is an old saying that "manners maketh man" and certainly SPESSARD HOLLAND is deserving of accolades on that premise.

Senator HOLLAND has been part of the so-called southern bloc, as one would expect, given the State he represents. It therefore came as some surprise to those who knew him less well when he took the leadership in the fight to get rid of the poll tax which had for so long been a factor in limiting the effective right to vote. This was a great breakthrough in extending democracy more widely and he will be long remembered for his leadership, but it was not a departure for this man, who has in so many ways during his years here in the Senate demonstrated his concern for the public good and for the rights of all our people.

Mr. President, I wish to associate myself with those who this day pay tribute to one of our most respected and outstanding Members. He will be sorely missed and I wish him many years of happiness in the company of his many friends and loved ones. May he return often to share moments with us here for he is most welcome.

Mr. MURPHY. Mr. President, I am pleased and honored to join in this tribute to Senator HOLLAND whom I regard as a great Senator, a close friend, and an outstanding American.

Through my early involvement in farm problems, I had the good fortune to work with Senator HOLLAND almost from the outset of my Senate career. My respect for his good judgement, his knowledge of both subject matter and the Senate rules was immediate. This admiration and respect grew with each passing year.

Senator HOLLAND is one of the most highly respected Members of this distinguished Chamber. He is a Senator's Senator. He is a recognized authority in agriculture and other areas. He is very articulate and informed on the many and complex subjects that come before the Senate. When he rises to speak, Senators listen, and well they should, for in every speech is evidenced his long experience, his knowledge and his commonsense approach to the problems confronting the country at home and abroad.

Mr. President, political scientists and other commentators often question the extent, if any, Senate floor debate changes Senate votes. In my first term in the Senate, I remember that I was prepared to vote for the Elementary and Secondary Education Act, and, indeed, had prepared a statement in support of the measure. Prior to the final vote, Senator HOLLAND made an eloquent speech hitting hard on the bills' formula for allocating funds. Although I had shared Senator HOLLAND'S misgivings with respect to the formula, I had decided to support the bill, but Senator HOLLAND'S statement convinced me that the bill was unfair to poorer States, and as a result, I voted against it. It is important to note that the following year the formula was altered, giving poorer States a better break.

Senator HOLLAND has represented his State and the Nation well. He is a great American and a great patriot. I believe it was Emerson who stated that "an institution is but the lengthening shadow of man." While obviously many great men have helped to make the Senate the important institution that it is today, it is Senators like SPESSARD L. HOLLAND whose "shadow" and good example will continue to inspire others to run for public office and to serve their State and Nation with dignity and distinction.

I will hope that his leaving the Senate as well as my own, will not bring an end to our association, but rather pro-

vide me with more leisure to enjoy my friendship and esteem for this great man.

Mr. McGEE. Mr. President, it has been my privilege to have served for a dozen years in this body with the senior Senator from Florida, and to have worked with him on the Appropriations Committee for that span of time as well. His decision to retire from the Senate after nearly a quarter of a century of service, which caps an even longer record of public service going back to the days of his youth, will take from our immediate midst a man of truly great talent for lawmaking.

Over the years, I have been most impressed with the thoroughness of the Senator from Florida, and particularly with his role on the Appropriations Committee, where I have served with him, and on the Agriculture Appropriations Subcommittee, which he has chaired. These years have seen great changes in the all-important industry of agriculture in America, and these changes have required constant attention by those responsible for the formulation and implementation of policies affecting the industry. Senator HOLLAND has been always vigorous and capable of taking the initiative to see that developments within the Government keep pace with the times. Always, under his guidance, the business at hand has been taken care of expeditiously and fairly. Fairness, in fact, is a hallmark of Senator HOLLAND's character. Prior to his rise to the governorship of his State, and to this body, the Senator served as a judge in Florida. He was, I am sure, a very good judge, indeed, just as he has been a very good U.S. Senator. We who number ourselves among Senator HOLLAND's friends will greatly miss his contributions, just as we will miss him personally when this Congress adjourns and his retirement becomes fact. But I believe I can say without fear of contradiction that there are many Senators here today who will themselves provide a better quality of representation for their own constituents and for all Americans because of his example.

Mr. President, I wish my colleague from Florida many days of happy, fruitful retirement.

Mr. EASTLAND. Mr. President, I regret that we in the Senate will soon lose one of the outstanding men and Members to have ever served in the body. I refer, of course, to my friend, SPESSARD HOLLAND.

SPESSARD HOLLAND is bringing to a close a career in public life spanning a period of more than 50 years. This remarkable career began when he was appointed prosecuting attorney for Polk County, Fla., in 1919, and it includes 8 years' service as county judge of Polk County, and 8 years as a member of the State Senate of Florida.

In 1940, the people of Florida elected SPESSARD HOLLAND to be Governor of the State. He served in that high position from 1941 to 1945 with distinction during the difficult times of World War II. As Governor, he contributed greatly to the welfare of his great State and its people. He demonstrated his willingness and ability to fight for the rights of the people of Florida and the South against oppressive and discriminatory treatment by taking leadership in the successful effort of the Southern Governors' Committee on Freight Rates to reduce the unfair and unjust southern freight rates.

After the successful completion of his term as Governor, Senator HOLLAND was elected to this body in 1946, succeeding the late Senator Charles O. Andrews, who was not a candidate for reelection because of ill health. Senator HOLLAND won the Democratic primary election in the first primary, defeating three opponents by more than 72,000 votes.

The high esteem in which the people of Florida regard Senator HOLLAND and his valued service in the Senate is attested to by the fact that he was overwhelmingly reelected to the Senate by the voters in 1952, 1958, and 1964. In 1964, his most recent reelection campaign, he carried all of Florida's 67 counties in the primary, and, in the general election he carried every county but one, leading the entire ticket, and polling a record-breaking 997,585 votes.

As a Member of the Senate, SPESSARD HOLLAND has furnished strong and effective leadership on behalf of many good causes. I have had the good fortune to serve for almost 20 years with him as members of the Committee on Agriculture and Forestry, of which he is ranking member. He has been an extremely fair and strong member of that committee, and I can personally state that the farmers and others who are dependent on agriculture, including the consuming public, are greatly in his debt. Senator HOLLAND has consistently favored measures which would assure an adequate supply of food, fibers, and natural resources, with a fair return to the farmers.

The millions of motorists who use and enjoy our system of interstate highways have also benefited by Senator HOLLAND's work in the Senate. He was one of the leaders in the Senate in the passage of the landmark Highway Act of 1956, which launched the 41,000-mile national network of interstate and defense highways.

There are many other facets of Senator HOLLAND's contributions to the work of the Senate and the Congress, but I would like to close with some observations about SPESSARD HOLLAND, the man.

In his dealings with his fellows, SPESSARD HOLLAND has been unfailingly kind and courteous, the perfect southern gentleman. However, this kindness and courtesy bespeaks not weakness or vacillation, but courage and determination. You never have to wonder about where SPESSARD HOLLAND stands, and he will fight to the end for a cause that is just. SPESSARD HOLLAND does not know how to cut and run, and if you do not want to hear the truth, then do not ask him a question.

This quality of courage, which is a hallmark of his character, has manifested itself all of his life. SPESSARD HOLLAND entered the first officers training camp when the United States was engaged in World War I, and was later commissioned a second lieutenant in the Coast Artillery. After being sent to France, he successfully sought a transfer to the Army Air Corps. As an aerial observer, he saw action on four fronts, including the Meuse-Argonne. During this period he officially downed an enemy plane and had his own plane shot down by ground fire. For these heroic acts, he was awarded the Distinguished Service Cross in 1918.

His love of country, supported by great courage, have motivated his actions as a man and as a public servant.

Although he will soon leave our number for a well-deserved rest and retirement, I hope that he will be able far into the future to seek and receive the sage counsel and advice of this great man.

Mr. FONG. Mr. President, I join my colleagues in paying richly deserved tribute to SPESSARD HOLLAND, senior Senator from the State of Florida. It is most appropriate that we who have been closely associated with him have this occasion to offer our congratulations and to say farewell to our good friend and distinguished colleague.

Long after he has left this Chamber, SPESSARD HOLLAND will be remembered as one of the most beloved, effective, and dedicated of our Senators, and justly so. He retires after nearly a quarter century of outstanding service in the U.S. Senate with a record of accomplishments that will long endure in the annals of this Nation and of his native State of Florida.

During his Senate service, numerous compliments have been expressed to describe the qualities which have made him great—qualities such as character, courage, integrity, knowledge, tenacity. These expressions of high praise ring true because they have been well earned by him. We who are his associates in this body can attest to the accuracy of these compliments.

Even before he came to the U.S. Senate in 1946 and began his magnificent career of service in the Nation's Capital, SPESSARD HOLLAND already had devoted many years of labor to the people of Florida. He served ably in a variety of public offices in his State: prosecuting attorney, county judge, State senator, and Governor. One success led to another. He became the first native Floridian to serve as both Governor and U.S. Senator.

Although my State is geographically far removed from Florida, our feelings for Senator HOLLAND are close and warm. For he was the first southern Senator to espouse statehood for Hawaii. He cast his vote for the Statehood bill that made Hawaii the 50th State in 1959.

The people of Hawaii are grateful, too, for his interest in Hawaii's leading industry, agriculture, and his assistance in our agricultural research, conservation, and other vital projects in the State. It was my privilege to serve on the Senate Appropriations Subcommittee on Agriculture under his able and skillful chairmanship.

On this day of tributes, I salute SPESSARD HOLLAND. May the retirement years for him and his charming wife, Mary,

be filled to overflowing with happiness, serenity, and good health.

Aloha.

A RECORD FEW AMERICANS COULD ACHIEVE

Mr. McINTYRE. Mr. President, magna cum laude, lawyer, teacher, prosecuting attorney, county judge, State senator, Governor, distinguished soldier, and veteran, and 24 years in the Senate of the United States with leadership on many important committees and chairmanship of major subcommittees—this is a record few Americans could achieve.

Yet, this is the record of the able senior Senator from Florida who will be leaving the Senate at his choice, not that of the the people of his State at the end of this session of the 91st Congress.

SPESSARD HOLLAND has never been bashful about fighting for the ideas he believed were right. He stated his position forcefully and with vigor.

He has handled billions of dollars of Federal budget requests for a broad range of national needs from rural electrification, soil conservation, and forestry through matters relating to the foreign policy of the Nation and the public working of our natural resources. He has been ever mindful that there is a limit to what we can take from the public treasury.

The 92d Congress will be a different body without the presence of SPESSARD HOLLAND.

I am pleased to join with my colleagues in paying tribute to him and to wish him and his lovely wife a most rewarding, enjoyable and well-deserved future after years of devotion to the service of his State and the Nation.

Mr. COTTON. Mr. President, it is obvious to anyone who knows the Senate that in this body in which all Members are officially equal, some are more equal than others.

These outstanding individuals can be recognized easily for when they rise to discuss an issue, they receive the most careful attention from both sides of the aisle, regardless of the matter under consideration or the position they are espousing.

Such a man is the distinguished senior Senator from Florida, my good friend SPESSARD HOLLAND.

Yes, Mr. President, when SPESSARD HOLLAND speaks, the Senate and, indeed, the Nation listens, and it is to his credit that he receives this attention because of the wise and well-balanced content of his speeches rather than the number of decibels in which they are delivered.

It has been my privilege to serve with SPESSARD HOLLAND on the Appropriations Committee, and my respect and affection for him have grown year after year as I have watched him approach each new problem with wisdom, warmth, poise, understanding, and a deep dedication to those fundamental Christian principles he exemplifies so well.

Although the States we represent are separated by an entire coastline and our seats are on different sides of the aisle, there is no man for whom I have greater respect and regard than I do for the senior Senator from Florida, and I shall miss him as a colleague and a friend.

May he enjoy his retirement years with the justifiable satisfaction of knowing that the type of statesmanship he has personified will always be a model for those of us whom he is leaving and for those who will occupy these seats in the distant years ahead.

Mr. FANNIN. Mr. President, with pleasure I join my colleagues in accolades to the distinguished Senator from Florida, SPESSARD L. HOLLAND, to whom we are paying tribute today.

He is one of the most experienced men in the U.S. Senate with a very illustrious career—educator, attorney, judge, soldier, State legislator, Governor, and 24 years in the U.S. Senate.

His wide range of experiences equip him with ability and knowledge to discuss the various subjects that come before us during a Senate session. His work in the field of agriculture has been most outstanding, always with a consideration of Senators from the other States, but with a determination to protect the interests of his beloved State.

His accomplishments are many and varied. If any man or woman here has earned the right to enjoy a productive retirement, Senator HOLLAND has.

I suppose he will insist on going home to his native Florida to soak up the sun. It would do no good, I am certain, for me to put forth the obvious argument that the sun shines brighter and the citrus is more succulent in my own great State of Arizona.

A true southern gentleman in all his actions, this great Senator has given a helping hand to many of his colleagues, especially the junior Senators who need advice and counseling, so he has gained not only respect, but true admiration from all his colleagues on both sides of the aisle. It is with pride that I praise him for the outstanding services to his State and Nation, and wish him many, many years of happiness and further accomplishments in his retirement years.

Mr. BOGGS. Mr. President, I would like to join in congratulating the distinguished senior Senator from Florida (Mr. HOLLAND), on his long and most valued service to the Senate.

It has been my pleasure to serve with Senator HOLLAND on two committees during my term in the Senate, for 6 years on the Agriculture Committee and for the past 2 years on the Appropriations Committee. In that committee work, as well as on the Senate floor, I have come to know Senator HOLLAND as a man of great integrity and great perception. Invariably, he has been most helpful in focusing the attention of Members on the important issues and in helping to achieve workable answers. Senator HOLLAND began his first elected 6-year term in the Senate in January of 1947 when it was my honor to become a Member of the House of Representatives. He was the first native Floridian to serve as both Governor and U.S. Senator from that State. His accomplishments since his election to the U.S. Senate are many. He was most effective in creating such important accomplishments as the central and southern Florida flood control project, creating the Interstate Highway System, and the Tidelands Act restoring offshore property rights to individual States.

When the 92d Congress convenes next month, I know that I express the sentiment of the Senate when I say that we will greatly miss the wise counsel, friendship, and leadership of SPESSARD LINDSEY HOLLAND.

Mr. FULBRIGHT. Mr. President, for 24 of the 25 years I have served in the Senate it has been my pleasure to be associated with and to work alongside SPESSARD HOLLAND.

During this period the Senator from Florida has made a great contribution to this body, as well as to his State and the Nation. In the Senate he has worked long and untiringly on a variety of important matters, particularly in the field of agriculture. In this Chamber he has been a strong advocate and an effective questioner. He has always brought wisdom and knowledge to our debates and discussions.

I am pleased to join in paying tribute to the Senator from Florida, who is leaving the Senate after four distinguished terms of service, and I extend my best wishes for the years ahead.

Mr. PEARSON. Mr. President, there are among us Senators who have achieved great national fame. Their names are readily recognized in every part of the country.

There are Senators as equally distinguished in terms of ability and talent whose names appear in national headlines only rarely.

Only when one has the honor to serve in the Senate, does he appreciate the unique and tremendous contributions of this second group.

The senior Senator from Florida, SPESSARD HOLLAND is such a man. Few have given so much in terms of public service to their State and the Nation—and in so quiet a manner.

In Florida, he served as county prosecutor, judge, State senator, Governor, before coming to the Senate in 1946. His is the classic example of building a career from his home country to the Nation's Capitol.

Few men have set certain long-range goals for themselves and achieved them.

SPESSARD HOLLAND in his early political career determined that the poll tax requirement for voting should be eliminated. In the Florida State senate he was able to persuade the State legislature to repeal the tax. He carried the same goal with him into the U.S. Senate, introducing in each successive Congress a constitutional amendment forbidding such tax. He felt it to be unjust, and one that had frequently been used to bar Negroes from voting. He also believed that such a change must be made by constitutional amendment rather than by statute or court decision.

The Holland amendment was finally passed by House and Senate in 1962 and ratified by the necessary three-fourths of the States in 1964, becoming the 24th amendment to the Constitution.

But he has never been a "one-issue" Senator. Few men have devoted as much

time and effort to committee work and floor debate as has SPESSARD HOLLAND. It is literally true he has worn himself out in this work. For several years he has borne in silence the evidence, the painful evidence, that his heart no longer can support his devotion to duty. Once convinced he could no longer carry the heavy workload he thought he owed to the electorate, he simply and quietly made up his mind to retire.

As a young man, he was a fine athlete, in fact good enough to have been offered a contract as a professional baseball player by the fabulous Connie Mack.

As a World War I pilot, SPESSARD HOLLAND was awarded the Distinguished Service Cross.

Such accomplishments are rare on the part of a man of such unassuming and mild demeanor. But those who have worked with SPESSARD HOLLAND know he is a very resolute and determined man, a gifted strategist, and one unafraid to take a stand and do battle no matter what the odds.

The Senate will miss him, but we wish to congratulate the Florida electorate for their good judgment in giving to us for these 24 years such a stouthearted public servant.

Mr. JORDAN of Idaho. Mr. President, it is my pleasure to join my colleagues in paying tribute to the distinguished Senator from Florida, SPESSARD L. HOLLAND. For the past 24 years, he has combined a wealth of natural talents with ceaseless dedication and vitality in the U.S. Senate. The result has been that his State and the Nation have benefited from his leadership in the field of education, law, finance, and public welfare.

His record in the Senate has been remarkable; an outstanding attendance record through the years both on the floor and in committee; a champion for the causes of agriculture and natural resources and a tireless soldier in the battles for public welfare.

His dedication to his job, the people of his State and the Nation have made him one of the most respected and beloved Members of the Senate. Certainly, he has been one of the most effective Senators of this century.

The State of Florida and the Nation owe a debt of gratitude to this Senator who has served so well for so many years.

Mr. GOLDWATER. Mr. President, the insignia of the distinguished Service Cross, the second highest decoration given for valor by our Government, which is worn in the lapel of Senator SPESSARD HOLLAND of Florida, indicates that his great service to our country did not begin when he first entered politics. It began in the air battlefield over France and Germany during World War I, and as a brother airman, I salute him for the valorous achievements of his during that conflict.

His contributions, though, in the field of politics, while they cannot be recognized by the presentation of any such medal, can certainly be recognized by the unseen medal of honor that we would all pin on him as he retires from the U.S. Senate and from active politics.

There has not been a man amongst us who has served as a better example to the young as they come into the Senate or as a continuing guide to us as we grow older and pursue the Senate's many paths. His personal life, with his charming wife, Mary, has also been an example to married couples all over this country who have watched both of them as they have helped each other and have raised their outstanding children.

Florida is going to be a better place with him at home, but Washington is going to be a sorrier place for his absence. Peggy and I wish for SPESSARD and Mary the very happiest of lives and long and continued success in their devotion to birdwatching.

Mr. BYRD of Virginia. Mr. President, it was 22 or 23 years ago that I first met the senior Senator from Florida.

Senator HOLLAND addressed a large meeting in my hometown, and he did Mrs. Byrd and me the honor of spending the night in our home.

I have cherished my friendship with Senator HOLLAND through the years.

But it was not until I came to the Senate 5 years ago that I fully realized just how outstanding a legislator SPESSARD HOLLAND has been.

He is a great American who consistently through his long Senate service, has put the best interests of his Nation ahead of partisan political considerations—and ahead of his own personal considerations.

Senator HOLLAND believes deeply in the principles of government which have made our Nation great. He has been a staunch and consistent defender of these principles on the Senate floor.

The senior Senator from Virginia regrets deeply that Senator HOLLAND concluded that he should voluntarily retire from public life after serving with great distinction as a member of the Florida Senate, a Governor of Florida, and as a Member of the U.S. Senate for 24 years.

The Senate will miss him.

I shall miss him greatly.

I shall miss him as a friend.

I shall miss him as I continue to serve the people of Virginia as a Senator. I shall miss him because he is a friend in whom I have great confidence and whose judgment I value highly.

Many times have I sought his views on vital legislation. Many times have I followed carefully his well-reasoned and always fair discussions of far-reaching legislation upon which the Senate has been called upon to vote.

As SPESSARD HOLLAND retires to private life, I want to state for the RECORD that, in my judgment, no Senator with whom I have served has exceeded SPESSARD HOLLAND in kindliness, in fairness, in dedication to the people of his State and Nation, in steadfastness to principle.

I salute the distinguished and able senior Senator from Florida as a great American and beloved friend.

Mr. ALLEN. Mr. President, we meet in the U.S. Senate today in a period set aside to pay tribute to the beloved senior Senator from Florida (Mr. HOLLAND).

Senator HOLLAND is one of the great Senators, not only of our times, but of all times. When he leaves the Senate, the Senate will lose much of its luster and much of its greatness as the greatest deliberative body in the world.

On November 13, 1969, the date on which the press carried the news of Senator HOLLAND'S planned retirement, and then again on July 8, 1970, after Senator HOLLAND had steered the Department of Agriculture bill through the Senate, I spoke, expressing my great love and admiration for Senator HOLLAND and my regret at his intention of retiring from the Senate.

Mrs. Allen and I wish for Senator and Mrs. Holland many years of happiness and rewarding service in the future.

I ask unanimous consent that my two speeches referred to above be included in the RECORD at this point.

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

[From the CONGRESSIONAL RECORD, Nov. 13, 1969]

THE ANNOUNCED RETIREMENT OF SENATOR SPESSARD L. HOLLAND

Mr. ALLEN. Mr. President, an item in the newspaper this morning caused me great sadness, for it reported the decision of Florida's great and distinguished senior Senator not to seek reelection to the Senate at the end of his present term. This is a decision that causes sadness and a sense of great loss—a loss for the Senate of the United States, a loss for the Members of the Senate, who love him and have the greatest respect and admiration for him, and a loss for the people of Florida and of the Nation.

Senator HOLLAND and Senators of his type have won for the Senate the accolade "the greatest deliberative body in the world."

His great intellect and silver-tongued eloquence; his integrity and statesmanship; his fairmindedness and sincere desire to serve the people of his State and Nation; his logic and his leadership cause him to rank as one of the greatest Senators in this body. His 24½ years in the Senate have been years of distinguished service. I have followed his career since his days as Governor of Florida. I heard him speak boldly at the Democratic Convention in Chicago in 1952 in opposition to punitive proposals leveled against southern delegations at that convention.

I admired his leadership in the successful fight in the Senate earlier this year to preserve the protection afforded by rule 22 to freedom of expression in the Senate.

I look foward to enjoying and profiting by Senator HOLLAND'S remaining months of service in the Senate for I have leaned heavily on his leadership in the past and expect to continue to do so in the remaining length of time that we shall have the benefit of his services in the Senate.

On behalf of the people of Alabama, I congratulate our distinguished neighbor on his outstanding and illustrious career in the U.S. Senate.

Though Senator HOLLAND is leaving the Senate, he will continue to be active in many worthwhile endeavors for years to come.

Mrs. ALLEN joins me in wishing Senator HOLLAND and Mrs. Holland many happy and rewarding years in the future.

[From the CONGRESSIONAL RECORD, July 8, 1970]

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ALLEN. Mr. President, I have had the pleasure of knowing personally the distin-

guished senior Senator from Florida, SPESSARD HOLLAND, only since coming to the Senate in January 1969. However, as a member of the Alabama State Legislature, and as Lieutenant Governor of Alabama, it was my privilege to follow Senator HOLLAND'S career from the time of his distinguished service as Governor of the great State of Florida, on through his able, distinguished, and illustrious period of service of 24 years in the Senate.

It was my privilege to hear Senator HOLLAND make a great extemporaneous address in Chicago at the 1952 Democratic National Convention. The Democratic Party then, as now, was beset with many differences of opinion, and many things that divided our party. The distinguished senior Senator from Florida made a great speech in which he sought to smooth over some of the differences that existed in the party.

Since coming to the Senate, it has been a great privilege for me to enjoy a close association, I believe, with the distinguished Senator from Florida. Many times I have had occasion to sit at the same table with him at lunch in the Senators' private dining room at the table reserved for Democratic Senators. While I figuratively sit at his feet on those occasions, I do actually sit beside him, and I have enjoyed discussing, and hearing Senator HOLLAND discuss, elaborate upon, point out, and explain to the junior Senator from Alabama, some of the great history and traditions, and the great personalities of the Senate in the years that he has served in the Senate. I have enjoyed and profited greatly by these periods when I experienced this close association with the senior Senator from Florida.

It has been my privilege, too, of serving on the Committee on Agriculture with him. His grasp and great familiarity with the intricate bills that he has mastered and that he presents from time to time on the floor of the Senate have been a constant source of amazement to me. I have been truly amazed with his familiarity and grasp of major bills coming before the Senate that are not his specialty. I have profited by the experience that I have had serving as a junior colleague of the distinguished senior Senator from Florida.

Mr. President, I remember most vividly one of the first matters that the U.S. Senate considered after the junior Senator from Alabama became a Member of this body. It was the consideration of an amendment of Senate rule XXII, which would have allowed the application of cloture on the vote of three-fifths of the Senators present, rather than the two-thirds majority as is required under the Senate rules. The distinguished Senator from Florida led the fight of those who opposed that amendment or that effort to amend the Senate rules.

In the judgment of the junior Senator from Alabama the most important vote that has been taken in the U.S. Senate in the 91st Congress, whether the first session or the second session, was on the appeal by the distinguished senior Senator from Florida from the ruling of the Chair, the then Vice President Hubert Humphrey of Minnesota, under which the then Vice President had ruled that cloture had been applied to debate on the amendment because, on the motion to apply cloture, a majority of the Members of the Senate had voted to apply cloture. The Vice President ruled that since the vote was taken at the start of the session, a majority of the Senate should not be denied the right to amend the rules of the Senate for that session. The distinguished Senator from Florida appealed from that ruling, and the Senate overturned the ruling of the Chair, deciding in effect that it takes a two-thirds vote rather than a bare majority to apply cloture at the start of a session or any other time.

The Senator from Florida holds the distinction of being the only Member of either body of the Congress who is the son of a veteran of the War Between the States. His father was a teenager who fought alongside Senator HOLLAND'S grandfather and was seriously wounded in that war in the battle of Kennesaw Mountain, near Atlanta. The fact that Senator HOLLAND'S father and grandfather were Georgians, fighting for their homes and for the South does not make the junior Senator from Alabama think less kindly of the distinguished Senator from Florida.

Mr. President, a man is judged by the company he keeps, by his deeds, by his thoughts and motives, by his dedication and sincerity, by his integrity—yes, and by the books he reads, by the music to which he listens. But, Mr. President, I suggest that a man can be judged by the men he most admires—by who his heroes are. So, the junior Senator from Alabama is proud to be categorized as an admirer of the distinguished senior Senator from Florida.

The distinguished senior Senator from Florida is one of the great Senators of this time or of any other time, and the Senate as an institution and the individual Members of the Senate will miss Senator HOLLAND. The Senate will lose some of its greatness because of his leaving the Senate. It will lose some of its luster as the greatest deliberative body in the world if Senator HOLLAND should leave the Senate at the expiration of his present term.

So it is my privilege to salute the senior Senator from Florida, Mr. SPESSARD HOLLAND, whom I admire greatly, whom the people of Alabama admire and look on as a great U.S. Senator.

Mr. PASTORE. Mr. President, I consider it a great privilege to rise at this time to associate myself with all of our colleagues who have been paying these deserved tributes to my friend and seatmate, the distinguished Senator from Florida, SPESSARD HOLLAND.

I have been in the Senate now for 20 years. When I came here, SPESSARD HOLLAND was already here. Scholar and soldier—lawyer and statesman, to me, in a great sense, he has been a guiding light. If one characterization is to be made of this fine gentleman from Florida, I must say he is Mr. Integrity of the U.S. Senate. In all my associations in this great body, I have never found a man with more desire and more compelling concern to live by his convictions. It makes no little difference to SPESSARD HOLLAND whether the issue is popular or unpopular. . . .

Mr. WILLIAMS of New Jersey. Mr. President, my good friend and esteemed colleague, the senior Senator from Florida, over a span of more than four decades of public service, 24 years of that service in the Senate, has a record of achievement, so diverse and so lengthy, that it could not possibly be cataloged here today. Indeed so numerous have been his achievements and contributions that some of his friends may have difficulty in fixing on the most memorable experience they have shared with SPESSARD HOLLAND. In my own case, I have no difficulty at all, because his help and support was indispensible to the enactment of farmworker programs which are now part of the public law.

When I became chairman of the Migratory Labor Subcommittee in 1959, there were virtually no programs in this Nation which dealt directly with the needs of the farmworker family. In that year Senator HOLLAND extended an invitation to me to come to the great State of Florida to learn about this problem firsthand. I accepted that invitation and went to Florida to talk to the worker, to the farmer, and to the crewleader. I visited clergymen and community leaders. I saw the housing camps and the schools in which migrant children were enrolled.

Out of that work, legislation was drafted to meet the need for crewleader registration, child day-care centers, family health clinics, education for the migrant children, and adequate housing for the migrant family.

Senator HOLLAND made invaluable suggestions for improving these bills. He also supported them eloquently and persuasively when they came to the Senate floor for consideration and debate. His interest did not diminish upon passage of these bills. It continued unflaggingly on the enormous task of getting the necessary funds and otherwise making the deeds match the words of the statute.

Today, on a variety of farmworker problems, we do have national programs and the programs do help those they reach. The funding is not as adequate as I would like, but, compared to 1959, the Nation is now investing substantial sums in health, education, child day-care, in retraining and rehabilitation and in other services for the migrant family. Senator HOLLAND'S continued concern and effort played an instrumental role in bringing this about.

Finally, I recall that while we did not find ourselves in agreement on all facets of the farm labor problem, there was always a spirit of mutual respect and friendship. In the course of our work we found ourselves on opposite sides of the questions of minimum wage and the importation of foreign workers. Even on these hotly contested economic issues, the experience was pleasurable and rewarding.

For these and many other rich memories, I shall always be grateful.

Mr. RANDOLPH. Mr. President, all of us in public life must accept the march of time and anticipate the day when we close the book on a long career.

In my opinion, none can do it with greater satisfaction and deserved recognition than Senator SPESSARD HOLLAND, whom we honor here today. His outstanding contributions as a teacher, lawyer, jurist, and war hero would serve the ordinary man.

But he has, in the nearly quarter-century in the Senate, built a memorial of dedicated service to his constituency which few men can hope to match.

Our association has been a particularly memorable one for me. I can recall our many pleasant and good-humored colloquies on the floor in which I reminded him that he was, in fact, an honorary Mountaineer because his mother, Fannie V. Spessard, was from Monroe County, W. Va. I recall, too, our discussions of his baseball prowess in the rough industrial leagues of West Virginia.

On his retirement, I wish every joy and deferred pleasure. Mrs. Randolph joins in our knowledge that he and his dear wife, Mary, will have continued happiness and sweet contentment.

My colleagues and I will miss the valued counsel of SPESSARD HOLLAND in the months ahead—and that, I believe, is the highest tribute we can pay.

Mr. PROUTY. Mr. President, I would like to join with my colleagues in paying tribute to the distinguished Senator from Florida (Mr. HOLLAND) upon his retirement at the conclusion of this Congress. In 1946, SPESSARD HOLLAND brought to this body a wealth of experience and a distinguished record of service to Florida and the Nation.

In World War I, he received the Distinguished Service Cross for his courageous service as an aerial observer over France.

He served his community as a teacher, his county as a judge and his State as a State senator, and Governor.

Upon this strong foundation of service, Senator HOLLAND built a brilliant record of 24 years of service in this body.

His service has not been flamboyant. Instead, he has been a hard-worker relentlessly pressing for his goals. He first proposed his Anti-Poll Tax Amendment in 1949. Thanks to Senator HOLLAND'S unceasing efforts we now have the 24th amendment.

Senator HOLLAND is without doubt one of the hardest working Senators with whom I have had the privilege of serving. I have always listened attentively when he has addressed this body, for his arguments have been persuasive and based on diligent research.

Senator HOLLAND is a man of many interests and I trust that his retirement will give him more time to follow baseball, study nature, and further delve into the history of Florida.

I know he shall find that he has made one of the most distinguished marks in Florida's history. He has served his State and Nation well and I know he is the kind of man who shall continue to serve us.

Mr. MILLER. Mr. President, I am pleased to join with my colleagues in paying our great respect to the senior Senator from Florida, my good friend, SPESSARD L. HOLLAND.

During my 10 years in the Senate, he has been warm, cordial, and helpful. I have particularly appreciated my opportunity to serve with him on the Senate Agriculture Committee, where we have worked harmoniously together on a great many measures affecting the many facets of our Nation's agriculture. At all times, it has been very apparent that he was a strong advocate for the best interests of our farmers while, at the same time, doing his utmost to balance their needs against the realities of majority sentiment in a Congress where the so-called "farm bloc" has long ago lost so much of its influence.

As becomes the great Senator he is, all of us can attest to his high principles. These first came to my attention when, during World War II, when I was assigned to Orlando, Fla., with the Air Force, he was the Governor of Florida. Word quickly got around that the Governor of Florida was ready to use his powers and his influence—anytime and anyplace—in behalf of the needs of our men serving in the various military establishments, and their families.

Not until recently did I learn that he was a member of the original World War I Army Air Corps, which, perhaps, explains his deep, personal concern for our military services which he has so often displayed here in the Senate—as well as when he was the Governor of his State.

As further evidence of the character of this good man, he has continued, to the very last days of his service, to work as hard as any other Member of the Senate—in fact, carrying more than his fair share of the heavy load of legislative responsibilities. Not until he takes fond leave of the body he has served so long will there be any relaxation of his zeal for hard work and leadership.

I repeat what all of us feel in our hearts—a profound regret over his decision to retire. The Senate will not be the same without SPESSARD HOLLAND and his dear wife, Mary, at his side.

Mr. YOUNG of North Dakota. Mr. President, I wish to associate myself with the comments made by Members of the Senate in praise and commendation of our distinguished and beloved colleague, the senior Senator from Florida, Senator SPESSARD HOLLAND. While we can understand why one who has spent a lifetime in public service would want to retire and have a few years of rest and time to enjoy life and with his family, we cannot help but be saddened to know that he will no longer be serving with us. This busy life as a Member of the Senate—and it is getting more difficult each year—permits little time for relaxation with one's family.

As one of those who has served with SPESSARD HOLLAND all of his 24 years in the Senate, I treasure the close friendship that we have enjoyed over these many years No Member of the Senate has ever been more considerate of me or more helpful. Naturally our views differed on some legislation and policies, but always our friend from Florida, SPESSARD HOLLAND, was the real gentleman—courteous, considerate, and understanding.

During his 24 years in the Senate, Senator SPESSARD HOLLAND has handled some of the most difficult of all legislation—one being the tidelands oil legislation. He has always been an untiring, effective, and powerful advocate of the things he believes in.

Certainly no Senator has ever more faithfully and ably fought for the interests of his State. Apparently the people of Florida are aware of it and very appreciative of what he has done for them. They have accorded him exceptionally high honors over the years, and especially recently.

I would not want the record to indicate that our friend, Senator HOLLAND'S interests did not go beyond his beloved State of Florida. He has been very active, interested, and influential in all of the many issues facing this Nation and world and he has been a powerful voice for good. One thing I cannot help but especially note is that, even though he announced his retirement quite sometime ago, he continues to work just as hard and diligently right up to and including these closing days of the last session in which he will be serving. What a great Senator and citizen he has been—and a truly wonderful friend.

Mr. President, I shall always treasure my close friendship with Mary and SPESSARD HOLLAND. I know they will greatly enjoy retirement and I want them to know we will always remember them with affection.

Mr. YARBOROUGH. Mr. President, when the Honorable SPESSARD HOLLAND leaves the Senate at the end of this Congress, the Senate will be losing one of its most energetic, most diligent members. During my 13 years, 8 months in this body, I have watched with admiration this dedicated man serve his State and his country.

For the past 6 years, it has been my privilege to serve as a member of the Agriculture Appropriations Subcommittee which the Senator from Florida so ably chairs. As chairman of that subcommittee, he has given meticulous attention to every detail in every appropriation the subcommittee has submitted. No Senator has worked harder on this vital appropriation than has the Senator from Florida. The people of America will never know the many years, months, weeks, and days of service he has given to these measures. Agriculture in America owes him a debt so large that agriculture itself will never learn of all of it. It is so large that agriculture itself cannot measure it. Week after week I saw him study in meticulous detail the operation of every agricultural research facility in the United States, as he sought means to increase the food and fiber production of the United States, for all the ill-fed and ill-housed in the United States and all over the world. I never heard SPESSARD HOLLAND boast of his humanitarianism, but he acted in a realistic way to help clothe and feed the suffering. Our great agricultural production reflects his determined support of scientific agricultural research.

The citizens of Florida and of America also owe him thanks for his many other legislature achievements. One of the most notable, perhaps, is the preservation of the Everglades as a national park. Were it not for the dedicated efforts of the Senator from Florida, this area of great recreational and naturalistic interest might well have fallen to the bulldozers and land speculators.

The Senator from Florida has served in this body for 24 years. He has earned his retirement and I wish him the very best.

One final note: When I first came to the Senate in 1957, one of the first couples my wife and I met were the Senator from Florida and his gracious wife. On one of Mrs. Yarborough's first visits to the gallery, Mrs. Holland was kind enough to sit with her and explain the events on the floor as the two of them watched. Mrs. Yarborough and I will never forget the many kindnesses we received from Senator and Mrs. Holland

over the years. They are one of the most devoted husband-wife teams we know in the Senate. We wish them both a long and happy life together. Relieved of the vexations and arduous duties of an appropriations subcommittee chairmanship, with the tug of war between the great needs of our country and the shortage of dollars to meet them, and knowing of Senator HOLLAND's love of the outdoors, I have no doubt that his retirement will add years to his life.

Mr. THURMOND. Mr. President, it has been a pleasure to serve with the distinguished senior Senator from Florida, my good friend SPESSARD HOLLAND, during the past 16 years I have been a Member of the Senate. SPESSARD HOLLAND is a man for whom I have great respect, not only because he is a person of outstanding ability, but he is also a man of stanch character and unquestioned integrity and sound judgment. It has been a distinct privilege for me to have served in this body with him and I shall greatly miss his wise counsel and advice in the future.

Senator HOLLAND has been active in many fields of activity while a Member of the Senate. He is an acknowledged expert in agricultural matters and as a member of the Agriculture and Forestry Committee he has sponsored many projects, programs, and legislation in behalf of the farmers of the Nation. He is a member of the Aeronautical and Space Sciences Committee and has made fine contributions in this important field. He is a member of the powerful Appropriations Committee, which handles expenditures for every activity of the Federal Government, and he has fathered many worthwhile activities that have improved the standard of living for our people. He is not a big spender, but a believer in sound fiscal policies and as a member of the Joint Committee on Reductions in Federal Expenditures, has been helpful in preventing extravagance and waste.

His devotion to duty and willingness to set party interest aside have largely contributed to his effectiveness as an outstanding leader. Few men can be called statesmen, but that adjective certainly describes SPESSARD HOLLAND. He has provided outstanding leadership in committees, on the floor of the Senate, in his State, and in the Nation. Such leadership will be sorely missed.

SPESSARD HOLLAND is a true patriot and a great American. The Senate will be poorer because of his departure. His constituents have consistently supported him because of their great faith in him, and he and they can be proud of the impressive record he has made in this body.

Not only will the Senate miss Senator HOLLAND but we shall greatly miss the lovely and most gracious Mrs. Holland, one of the most distinguished and popular women in Washington. I am sure that all of my colleagues join me in wishing Senator and Mrs. Holland good health and happiness in the years ahead.

Mr. President, on September 22, 1962, I had the pleasure of attending and speaking at a ceremony given by the Young Americans for Freedom, honoring Senator HOLLAND at Orlando, Fla. A considerable portion of my address that evening was about SPESSARD HOLLAND, his service in the Senate, and the manner of performance of his Senate duties. What I said about Senator HOLLAND on that occasion is pertinent today, and I ask unanimous consent that a copy of that address follow these remarks.

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

ADDRESS BY SENATOR STROM THURMOND

It is an honor for me to be in the great State of Florida, and in the beautiful City of Orlando. I have had the pleasure of serving for 8 years in the United States Senate with Florida's two distinguished Senators, Spessard Holland and George Smathers.

I am glad to be with this fine group tonight to join in paying tribute to one of my most respected and distinguished colleagues in the Senate.

I am proud of the great work and the remarkable service which your organization, Young Americans for Freedom, is performing in promoting among our young people increased awareness and interest in the preservation of freedom, our most precious national legacy.

When one becomes a member of the United States Senate, one is asked to join the board of directors of many organizations. I have particularly been extended numerous invitations to join various groups as an honorary leader or adviser in the past year or so. I finally decided to make a rule against becoming associated with groups outside of my Senatorial duties, because I found that I just did not have the time to check into every organization or would probably not be able to agree with all the principles or plans of the various groups. Recently, however, I was asked to serve on the Board of Advisers of Young Americans for Freedom, and I made an exception to my rules in this particular case because of the importance and urgency of your great mission in instilling in your fellow students across this country a sense of patriotism and interest in the preservation of freedom.

During the past year or two I have also received numerous speaking invitations across this country. I have had to decline many of these invitations because of the number, but I have never turned down an invitation to address a student group on a college campus if there was any possibility at all of working it into my schedule. Within the past few years, I have spoken at Tulane, Yale, Emory, Harvard, Georgia and Columbia Universities and M.I.T. My calendar now shows that I have engagements at Oklahoma State, Fordham, and Boston Universities and other educational institutions. Everywhere I have gone I have been impressed with the work of your great organization and the rising tide of student interest in domestic and foreign policies of this government—sound domestic policies and winning foreign policies.

More and more of our young people are coming to realize that freedom is in jeopardy in this country, and indeed, wherever it seeks to exist in a world threatened by the forward march of what Mr. J. Edgar Hoover has aptly described as the communist "masters of deceit", and also all those misguided idealists who envision a solution to all the world's problems through a system of planned state economies, with all its attendant regulations and controls and its diminuation of freedom. They realize that we in the United States, this once great bastion of freedom, take freedom too much for granted, much as we do the convenience of electricity. We have the feeling that because freedom is guaranteed in this country by the Constitution, that it will, by some magic formula or by right of inheritance, always be with us. We tend to forget that other peoples in other nations have had this same naive notion, but their freedoms have long since vanished because they did not appreciate Voltaire's old truism that "Eternal Vigilance is the Price of Liberty." We seem to have forgotten that liberty must be earned, and once it is earned—as it was for us by our forefathers—then it must be preserved, not just for the enjoyment of our generation, but as a legacy for the next generation, and even for unborn generations of Americans.

In fact, freedom, according to Lord Acton, is supposed to be the highest end of government. However, in viewing our government bureaucracy today, with all its spending, controls, red tape, and its ever-growing centralized power apparatus, it is easy to get the idea that perhaps government has some other end to serve—such as accumulation of power.

More of our young people are learning that man cannot have freedom unless he accepts the moral task it imposes. It is a combination of self-assertion and self-denial, of independence and responsibility. For instance, in granting us the blessings of self-government, our forefathers contemplated that the people would take sufficient interest in educating themselves on affairs of government to govern themselves intelligently, and that they would be so concerned with the preservation of their freedoms that they would reject selfish proposals which would result in restricting or mortgaging their freedoms.

Some misguided leaders and advisers in government, whose principal aim for government seems to be the creation of a socialistic welfare state, would lead our young people to believe that the wave of the future in socialism—call it democratic socialism as Mr. Schlesinger has dubbed it, or fabian socialism as the British have named it—and that we can have this "pie in the sky" state, and still maintain freedom for our people. As a matter of fact, however, capitalism, which is no more and no less than economic freedom, is the only economic system which will work in a free society. Let us not forget that freedom can be preserved only when it is decentralized in the hands of the people and local government, and not in the hands of a bureaucracy of elites who rule from an all-powerful central government in Washington.

Since coming to the Senate in 1955 as an independent write-in candidate, I have made my principal preoccupation the preservation of our freedoms, not just in one field, but all across the board. In trying to carry out this mission I assigned to myself, because of my firm conviction that this should be the primary concern of all our people, I have had the good fortune of being able to work shoulder to shoulder with some colleagues in the Senate who, I feel, share a similar concern about freedom, and its preservation.

Among those who have impressed me most in their concern about constitutional government, and the preservation of our freedoms, is your distinguished and able Senior Senator from Florida, my good friend and colleague, Spessard Holland.

It is a great pleasure to be here tonight, to join in these tributes to his courageous and dedicated record of service in the greatest deliberative body in the world. Spessard Holland is one of the most respected members of the Senate, and he bears a sterling reputation as a man of honor, of dignity, and of dedication to duty to his State and Nation.

This great statesman possesses the basic qualities which are so vital in winning and holding the respect and confidence of his colleagues in the Senate, and of the people of the great State which he is honored to represent in the Senate. He is a man of great intellect, wisdom, judgment, industry,

integrity, sincerity, and courage. In my opinion, he is one of the ablest debaters ever to serve in the Senate. In addition, he is one of the most handsome and personable gentlemen in public life. All these qualities have played an important part in the outstanding service he has rendered as a servant of his people in the State of Florida as County Judge, State Senator and Governor, and in Washington as a United States Senator.

Of all the qualities I have mentioned tonight in describing your Senior Senator, there is one upon which we must place a premium in our country today, especially for public servants. That quality is courage. Winston Churchill has well said that "courage is rightly esteemed the FIRST of all human qualities, because it is *the* quality which guarantees all others."

Spessard Holland has demonstrated this priceless quality on many occasions in performing his duties as a United States Senator. Believe me, ladies and gentlemen, it takes courage to vote your convictions today in the United States Senate. This is especially true when your convictions run counter to the "gimme gimmicks," continually being proposed to provide more and more services for people, and to redirect more and more tax dollars out of the Treasury into the pockets of individuals, who are looking for "something for nothing," out of the big federal "grab-bag" in Washington. The easy course for a politician to follow in the Senate, is to spend and spend with the rest of the crowd, and leave it to you young people or your children to pick up the tab at some future date. That is also the easy way, because the political parties seem to have bought the old New Deal theme of "spend and spend and elect and elect."

Spessard Holland is a statesman and not a politician.

He has had the courage to oppose the demands of special interest groups, when their demands were not in the public interest or in the best interest of the preservation of freedom—which to me runs parallel to the public interest.

He has fought to correct the corrupt practices of big union bosses in the interest of the working people, realizing the power of the union bosses to work or buy their will in election contests.

He has fought to preserve your and my personal freedoms during this period when conformity appears to be the order of the day.

He has promoted programs and ideas to help our farmers be more competitive and prosperous, but jealously guarding their freedoms in doing so.

He has stood up for the Constitution and the right of the States as against usurpation of power and the centralization of government in Washington.

He has spoken up against deficit financing, and in his voting record he has hewed to the line in favoring fiscal sanity and a balanced budget.

He has defended our great free enterprise systems against the rising tide of socialism, and has supported bold, firm foreign policy proposals designed to *win* the struggle with, rather than succumbing to a socialist accommodation with, those forces which would destroy capitalism, dethrone God, and communize the world.

And, he has advocated a program of national defense which would insure a supremacy of military power, and readiness to cope with the aggressive intention of any enemy power, whether it be the forces of world communism, or fascism, or any other "ism," opposed to freedom for the people.

In closing, I want to say that it is stimulating to me to have a part in this program, which tonight honors an able Senator, a dedicated statesman, a true patriot, a distinguished citizen, and a great and courageous American, my good friend and colleague, Spessard Holland.

Mr. McCLELLAN. Mr. President, I join my colleagues today in paying tribute to Senator SPESSARD HOLLAND who has been, over the last 24 years, a most distinguished Member of this body. By his voluntary retirement, Senator HOLLAND will deprive this body of his wise counsel and high statesmanship. He has set a standard of excellence that will be sorely missed and difficult to match. Senator HOLLAND is an outstanding citizen, an able Senator, and a great American. Senator HOLLAND always put country first, and yet he represented with dignity the interests of his State and his region of our country.

He served his State with distinction as Governor during the trying war years, when the coast of Florida was exposed to constant danger due to its geographical posture. In September 1946, he joined us in the Senate and since that time has contributed to the debates and deliberations of this body in a constructive manner which will be of benefit to many succeeding generations of Americans. I am sure that each manager of a bill coming before the Senate for debate in the future will miss the penetrating and incisive questions of Senator HOLLAND, which have provided in dialog much clarification to the legislative history of acts of the Congress.

There is, of course, an instinctive kinship among lawyers serving in this body as representative of the Southern States. Many times there is also a common kinship of origin and experience in early childhood. Senator HOLLAND, like so many of us was raised in less than affluent surroundings. In Bartow, Fla., as in Grant County, Ark., the family fare often consisted of a fish and game obtained from the then unpolluted and virgin rivers and forest of the South. We have seen a great change in the environment we knew in childhood, a change which promises to become even greater, if we do not act to conserve and enhance the quality of our environment. We can pay no greater tribute to Senator SPESSARD HOLLAND than to devote our energy and attention to the environment and wildlife he has loved and enjoyed. Hopefully, during his retirement he will not have to witness further deterioration or destruction of our natural resources. I sincerely desire that his children and grandchildren will be able to enjoy the beauties of nature that he has enjoyed and treasured.

It was my privilege to serve with him on the Senate Appropriations Committee for a number of years. Serving on committees with a fellow Senator gives one a rare opportunity to judge his statesmanship capacity and legislative ability. On that committee he always approached his duties with a sense of dedication and sincerity which served the welfare of our country according to his concepts of its best interest and security.

I shall always remember SPESSARD HOLLAND as a sincere, articulate, and intelligent legislator; as a gracious and eloquent colleague during Senate debate; and as an experienced and capable advocate for those causes he deemed just. My life and experience have been enriched by having known and served with him and having the benefit of his views for many years in the U.S. Senate.

Mrs. McClellan joins with me in extending every good wish to Mary and SPESSARD HOLLAND for the full enjoyment of the years to come following his retirement from this Chamber, where he has served with such distinction and has achieved so much.

Mr. CANNON. Mr. President, I know that the people of Nevada want me to participate in honoring Senator SPESSARD LINDSEY HOLLAND, and to convey for them a sense of their high esteem for his work here in the Senate.

I came to know Senator HOLLAND over the years primarily through knowledge of his positions on important national issues and for his leadership role in helping resolve those issues. It was with a great deal of pride and respect that I served with the Senator on the Aeronautical and Space Sciences Committee for a number of years. I think it a mark of the character of Senator HOLLAND that other Senators could disagree with him on particular issues, just as they disagreed among themselves, but could agree and did agree in according Senator HOLLAND the utmost respect in recognition of the integrity of his motives and the sincerity of his convictions. Such respect transcends the issues and it transcends ephemeral public opinion.

Mr. President, my initial respect for Senator HOLLAND was quickly allied with sincere admiration—a result attributable, in part to his devotion and concern for the people of Florida. The senior Senator from Florida has served his constituents and the Nation very well for over 20 years in the Senate. The Senator's desire to serve has been coupled with an insight into history and a capacity for action which enabled him to play a key role in one of the most productive eras the Congress of the United States has ever known.

For those of us who came to the Senate when his star was already in its ascendancy, he was a teacher and an inspiration. He tutored us, just by being himself, in the art of eloquence, the skill of advocacy, the art of compromise, and the power of persistence, Senator HOLLAND is first rank. The Senate will miss his presence here and we will all remember him well.

Mr. STEVENS. Mr. President, when the new Senate convenes in January, there will be missing from its ranks a man whose career has spanned two world wars and a troubled peace. Born in the last century he has risen to meet the challenge of this century with strength and conviction I refer, of course, to SPESSARD LINDSEY HOLLAND who will retire at the expiration of the fourth term to which he was elected by the people of Florida.

Senator HOLLAND'S varied career has included teaching, practicing law, and serving his country first as a soldier, later as a Governor of one of her sovereign States, and for the past quarter

century as a U.S. Senator. His contributions to the work of such committees as Agriculture and Forestry, Appropriations and Aeronautical and Space Sciences are known to us all. We will miss him.

Mr. SPARKMAN. Mr. President, I wish to join with my colleagues in the Senate in paying tribute to SPESSARD HOLLAND who is voluntarily retiring from the Senate.

Senator HOLLAND entered the Senate on September 25, 1946. I entered on November 6, 1946, just 6 weeks later. I was attracted to Senator HOLLAND from the first by his interest in and his dedication to his work as a Senator. He was diligent and thorough, always mastering the facts of any legislation on any situation with which he dealt.

For a time I served on the Public Works Committee with Senator HOLLAND. He was one of the most effective members of that committee. Of course I have observed his work here in the Senate. He is always well prepared on whatever legislation is up for consideration and always expresses his views clearly and forcefully.

Different Senators have expressed favorably on his watchfulness and effectiveness in matters affecting the welfare of his State. I believe that is not only the duty and expectation of every Senator but that it results in the best interest of the Nation as a whole, a Nation of great expanses, of diverse interests, and of able, and similar representation of all the areas and interests of our country.

Senator HOLLAND had a remarkably successful record before coming to the Senate. The same hard work and great ability on his part that brought about that success have served to continue that great career of success here. He has been a great and fine representative of a great State.

We regret to see him leave. I should say that we regret to see the great team of Mary and SPESSARD HOLLAND leave the Senate. We shall bid them Godspeed and wish for them both good health, great happiness and success throughout many years of retirement. They have well earned it all.

Mr. LONG. Mr. President, for 24 years SPESSARD HOLLAND has exemplified what we of the South like to regard as a true southern gentleman.

He represents the ultimate in terms of honesty, sincerety, truthfulness, courage, diligence, devotion to duty, kindness, and sympathy for persons and things.

The people of Florida did not act capriciously when they sent him to us. They sent us a great wartime Governor whose background in State affairs even prior to becoming Florida's chief executive had already earned him impressive credentials. They sent us a man whose record as a volunteer pilot in the early days of aviation serving his Nation on and over the battlefields of Western Europe confirmed his heritage.

In this body he acquired the reputation of a conservative in the best meaning of the word—one who would preserve the better things of the existing order. His service here has in fact to a considerable degree saved for this Government its first fundamental—the right of people to govern themselves.

For the right of self-government in this Nation is vested in the people at the State level. Our cities and counties are creatures of our State government. The same is true of our national Government. Thus wherever the States are stripped of their power, then the people whose effective vote is at the State level, have lost their power to govern themselves.

SPESSARD HOLLAND realized this and he fought against a theory advanced by judicial unsurpation to the effect that the national Government existed prior to the States and that as a consequence the timetable of sovereignty of the United States followed from the top down rather than from the bottom up.

The tideland saw the Holland Act restore to the States of this Union the submerged lands within their historic boundaries. This was more than an act to vest title to submerged land. It was an act to restore sovereignity to the people of America.

George Washington, in his farewell address, warned us of those who would change our laws and destroy our institutions by usurpation. SPESSARD HOLLAND has been a sturdy rampart across their path. His logical, penetrating mind has personally thrown back the force of their attack, his eloquence has exposed the folly of their purpose.

Yet as persistently as SPESSARD HOLLAND has fought to preserve all that is good about America, as much as he has been a part of the southern establishment, he has led the way to needed and desirable changes to make America fulfill its purpose and accept the challenge of a changing world.

The proper method for the repeal of the poll tax as a condition of suffrage was by means of a constitutional amendment. The amendment is now a part of our Constitution. We can proudly call it the Holland Amendment in tribute to the man who insisted that the issue should be resolved, not by usurpation, but by the method provided in the Constitution.

Alaska and Hawaii are today States of a greater Nation because men of the South were willing to join with statesmen of other parts of the Nation to make it so. SPESSARD HOLLAND provided the leadership to encourage southern Senators—including me—to join in bringing about that worthy extension of American democracy.

The thousands of good things achieved by Senator HOLLAND in this would fill volumes, never would we find a single item unworthy of a great statesman.

SPESSARD HOLLAND'S service here has been supported by his beloved wife Mary. Together they have shared many endeavors and many interests. It has always impressed me that the two of them have enjoyed birdwatching. Their friends have enjoyed noticing the interest that each of them has demonstrated in seeing an unusual and beautiful bird. I have often noticed how SPESSARD, on spying a rare specimen, would express the desire that Mary would share his pleasure.

This interest in things, as well as people, is typical of this devoted couple. Together they have made a life which any young couple would hope to parallel.

Many of us hoped to dissuade SPESSARD HOLLAND from retiring. We did not prevail. He was firm in his decision as he always has been. Perhaps he was right.

SPESSARD HOLLAND leaves here capable of much more good work, still possessed of his brilliant intellect. He hangs up his gloves as the undefeated champion. He will remain one of the Senate's all-time greats.

Mr. BELLMON. Mr. President, during my brief time in the Senate I have been privileged to serve with the distinguished senior Senator from Florida on the Senate Agriculture Committee, and as a result of this close relationship I have gained the very highest regard for his sense of fairness, for the wide extent of his knowledge, and especially for his dedication to and understanding of the legislative process.

Senator HOLLAND'S long experience in the Senate coupled with his distinguished prior service to the people of Florida has equipped him ideally to cope with the many important problems which his growing State has in its relationship with the Federal Government. The people of his State have shown extremely good judgment by keeping Senator HOLLAND in their service over these many years.

Mr. President, I regard Senator HOLLAND as one of the finest men and ablest government leaders I have ever known. I am proud to add my voice to the others in commending him and his splendid work to his State and to our country and in wishing him complete happiness in his new endeavors.

Mr. McGOVERN. Mr. President, I am grateful for this opportunity to express a few words of appreciation for the long and distinguished service of the senior Senator from Florida, SPESSARD HOLLAND. It has been my privilege to serve with Senator HOLLAND as a member of the Agriculture Committee for the past 8 years. During all that time, he has always demonstrated personal consideration and courtesy toward me even when we were in sharp legislative disagreement.

There are three qualities about Senator HOLLAND that I especially admire.

First, I keenly appreciate his unfailing respect for the Senate as an institution.

Second, I admire his steadfast devotion to the process of self-government.

Third, I appreciate the reliability of his word. He has the rarest virtue of absolute personal integrity.

I shall miss Senator HOLLAND and his lovely wife Mary. But I do wish for each of them many more happy years together in their retirement.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971—CLOTURE VOTE

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business.

The time between now and 11 a.m. is under control, on the motion to invoke cloture with respect to H.R. 17755, the conference report on the Department of Transportation and related agencies appropriations, 1971. Time is equally di-

vided between the distinguished Senator from Nevada (Mr. BIBLE) and the designee of the minority leader, the distinguished Senator from Arizona (Mr. GOLDWATER).

Who yields time?

Mr. BIBLE. Mr. President, I yield myself 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized for 3 minutes.

Mr. BIBLE. Mr. President, we move along now into another chapter of the Department of Transportation and related agencies appropriations bill, and obviously, primarily into the area of the SST.

Time is limited. Twenty minutes is under my control and 30 minutes is under the control of the minority leader.

I have discussed this with the minority leader and his designee, the distinguished Senator from Arizona (Mr. GOLDWATER), and we are in agreement that the time should be equally divided between myself and the designee of the Senator from Arizona, and the Senator from Wisconsin (Mr. PROXMIRE), who has been the leader in the SST fight. So this obviously limits the discussion, but 15 minutes of that will be under my control and 15 minutes of that I will yield to the Senator from Wisconsin and, I understand, that is exactly the same method which the minority leader will use.

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

Mr. BIBLE. I yield.

Mr. GOLDWATER. That is precisely what the minority leader instructed me to do, and I shall yield 15 minutes to the Senator from Wisconsin (Mr. PROXMIRE) and retain 15 minutes for our own use.

Mr. BIBLE. I thank the Senator. Now I obviously will be very brief. I think that everything has been said and resaid insofar as the SST is concerned. We have discussed the pros and cons over the months and, yes, over the years. It seems to me that this is a program which should go forward. It is a program that is approximately eight and one-half years along its way on a 12-year program, with $800 million out of a projected $1.3 billion.

We are discussing today the conference report that came back as a result of the conference between the Senate and the House, and that is the issue that is at stake here today.

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator from Florida has expired.

Mr. BIBLE. Mr. President, I yield myself 1 additional minute.

The PRESIDINI OFFICER. The Senator from Nevada is recognized for 1 additional minute.

Mr. BIBLE. Mr. President, the problem is a difficult one because, in a nutshell, what is involved here is that one side wants to kill the SST and the other side wants to keep it alive.

Notwithstanding all the statements that have been made, we found the House conferees extremely adamant. They want to keep the SST alive. The opposition wants to kill the SST. That is the problem we face now, to try to resolve this dilemma.

There is also at stake, as we are well aware, many other items, some $2.7 billion in new budget authority and some $4 billion-plus in trust fund moneys that are necessary for control towers, highways, the Coast Guard, urban mass transit, and many other areas. These are the problems with which we are faced today.

Mr. President, I now yield 15 minutes or such time thereof as he desires—he has the full 15 minutes, of course—to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the distinguished Senator from Maine (Mr. MUSKIE).

PRIVILEGE OF THE FLOOR

Mr. MUSKIE. Mr. President, I ask unanimous consent that staff members of the Public Works Committee and such additional staff members as may be necessary be permitted in the Chamber.

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

Mr. MUSKIE. Mr. President, since the Senate voted to delete funds for the SST, supporters of the SST have said that termination of the program threatens America's economic stability and technological leadership. President Nixon himself painted a dark picture—the loss of 150,000 jobs and a crippled aerospace industry.

Cancellation of the SST program at this date will not mean the loss of 150,000 jobs. That figure represents the level of employment at full production and includes allowances for employment among the manufacturers of support equipment and in other associated areas. Full production would be many years in the future. The allegation that 150,000 jobs are at stake now is a hoax.

In fact, Department of Transportation statistics indicate that a maximum 8,000 workers are employed during the current prototype phase; less than 1,000 would be employed on the SST program at the end of this phase. These are the jobs that are at stake.

It is important that these workers continue to be employed. And it is important that as many of these jobs as possible remain in the aerospace industry, a sector of the economy hard hit by changes in our national priorities.

But it is not important that these workers build an SST. That project is as much a waste of their talents as it is a waste of our money.

The men and women of the aerospace industry have helped America gain technological leadership not only in aviation and space, but in many other areas as well. This industry is known for its expertise in advanced research and engineering, systems development and management and for its innovative leadership. These skills could help solve our pressing urban transportation crisis.

Many contend that the Boeing and General Electric technical and production capabilities cannot be readily adapted to the design and construction of urban transportation systems. But the two most striking characteristics of the industry point to the opposite conclusion.

First, the Department of Transportation itself is now finding that aerospace talents are directly and almost immediately transferable to other areas requiring high technical expertise and systems analysis capability. In fact, it was DOT's forceful argument of this point that permitted the Department to take over the Cambridge Research Center from the National Aeronautics and Space Administration. The Center and its employees, once working on sophisticated space technology, are now working on solutions to our urban transportation dilemmas.

The Department also has current contracts with research firms such as RAND, the Institute for Defense Analysis and MITRE. These firms had little experience in nonmilitary work until defense and space budget retrenchments forced them to apply their talent in other fields.

Other aerospace and defense firms have found it possible to change as our priorities have changed. The North American Rockwell Corp. has a DOT contract to develop a high-speed urban tracked system. The Rohr Corp. is building cars for the Bay Area Rapid Transit in San Francisco and an air cushion vehicle for France. The Garrett Research Corp. is developing a linear induction motor, and United Aircraft built both the vehicles and the propulsion system for the Boston-New York Turbotrain.

These aerospace concerns have found that dependency on aerospace contracts—such as the SST—is neither the way of the future in transportation, nor the key to their corporate survival. There is no reason to keep that knowledge from Boeing and GE.

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

Mr. PROXMIRE. Mr. President, I yield the Senator from Maine 2 additional minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 additional minutes.

Mr. MUSKIE. Mr. President, the second characteristic of the aerospace industry that indicates great flexibility is the high rate of turnover among scientific and technical employees. These professionals, who comprise most of the workforce, stay with one company for an average of less than 3 years. This transferability of workers among companies, the highest of any industry in the Nation, is the result of workers following contracts from company to company. Few contracts have had as lengthy a term as the SST contract; the industry could absorb its termination.

More than money will be wasted if the SST project is continued. The valuable expertise of the aerospace industry and the skills of its workers will be paid by public funds to develop a plane the public does not want and does not need.

So, Mr. President, I will vote against cloture because I think that only in this way can we effectively stop the momentum which has been built by these purchases, and which will continue if the conference report is approved by Congress.

The second good reason for voting against cloture, I think, is to stimulate the leaders on both sides of this argument to work out a substantive compromise. Without a vote turning down cloture today, the prospects for that compromise will vanish.

Mr. BIBLE. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, as one who has been troubled by rule XXII on several occasions, I want to make clear in the RECORD why I shall vote for cloture.

I would like to believe that I have never sought to persuade the Senate to apply cloture on any proposition until the issue was fully discussed and clearly understood. But I have argued that once that point in time has arrived, the Senate should be permitted to act. And I have meant what I said in argument and will apply it to my vote now. As one who opposes the SST lock, stock, and barrel, I am caught in a very difficult dilemma.

I cannot persuade myself that we do not know our position on the SST and that everything that needs to be said has not been said.

Whether it is a civil rights bill, a supersonic transport, or the time of the day in Timbuktu, there is a priority that attaches to permitting the majority of the Senate to vote.

I hope that in January those who feel frustrated by the difficulty of getting to a vote will join those of us who have long sought to modify rule XXII.

Mr. BIBLE. Mr. President, I yield 3 minutes to the junior Senator from Washington.

The PRESIDING OFFICER. The junior Senator from Washington is recognized for 3 minutes.

Mr. JACKSON. Mr. President, I want to say a few words on the question of employment.

The real issue facing the Senate in connection with the SST and employment does not involve the question of diversification or converting the aerospace industry into other areas. The Boeing Co. converted from military work to the production of civilian aircraft and other products a number of years ago.

The issue before the Senate is whether American workers will build this plane or whether those jobs are going to be done by the working people of France, Britain, and Russia.

This would not be a question were it not for the fact that the SST is already flying in Britain, France, and Russia.

So, we have a choice of whether American workers are going to do those jobs.

I, of course, believe that there should, where appropriate, be a gradual conversion in the aerospace industry to other areas in which they can render service to the public and to the economy. This applies to the shoe industry and to other industries seeking protectionist legislation. Why should not these industries convert as well? But, Mr. President, why does not this same argument apply to shoes? Should not shoes be manufactured abroad, too?

Opponents of the program are saying that this plane can and should be manufactured abroad. Why should not shoes and other products which are before the Senate in connection with the trade bill also be manufactured abroad so that the American consumer can get those products at lower prices?

I point out again to my colleagues that one of the major issues before the Senate is whether American workers are going to build this plane or whether it is going to be built by British, French, or Russian workers. That is the same argument, the identical argument, that the protectionists use in connection with the trade bill.

Second, as one who has always supported cloture, I must say that I am a little disturbed by some of my colleagues who are going to vote against cloture should take this position on adoption of a conference report—a situation where there is no justification for extended debate.

Mr. President, the SST has been debated over and over again. It was debated when the bill was being considered in the House and when it was being considered in the Senate.

We are now asked to apply cloture to a situation in which the leaders of the opposition have announced they are going to talk it to death. What more notice do we need as a condition precedent to voting for cloture than the situation that which now prevails in the Senate?

Mr. President, I hope that the Members of the Senate will see to it that this matter comes before the Senate for a vote by voting for cloture.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. GOLDWATER. Mr. President, I yield 15 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 15 minutes.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I can well understand the frustration and concern felt by the citizens of this country when they observe the U.S. Senate bogged down in a seemingly endless, confusing controversy over major issues such as social security increases, the SST, the trade bill, and the Family Assistance Act. But sometimes the people stand to benefit most when action is not taken if the action might be ill advised.

I can recall Charlie Halleck, the former minority leader of the House, when he described the 88th Congress as the biggest do nothing Congress in the history of the country. He said, "The country is probably better for it." Sometimes the country is better off if we do not adopt a particular measure or pass a particular bill.

I do believe that many of the matters pending before the House and the Senate today involve such enormous consequences that no action may well be a price well worth paying to avoid penalizing our citizens for generations to come.

I happen to believe the trade bill is one example. Another example is the SST.

Mr. President, I would like to refer very briefly to the legislative history of the SST. First, it was begun by President Kennedy in 1963 with the statement:

> In no event will the Government's share of the SST program go above $750 million.

With this appropriations bill, we will have invested $920 million in the SST.

Mr. STENNIS. Mr. President, I consider this matter as highly important. Will the Chair see that we have quiet in the Chamber? I can hardly hear the Senator from Illinois, sitting a few feet from him, because of the disturbance in that corner.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PERCY. Mr. President, I thank my distinguished colleague, the Senator from Mississippi.

The Department of Transportation appropriation bill passed the House on May 27. The Senate subcommittee reported the bill on November 25, some 6 months after the House action was taken, spending four times as long considering the bill than was spent on the next most time-consuming bill. In the interim, five other appropriation bills cleared the House and Senate—Agriculture, Public Works, Labor-HEW, District of Columbia, and Military Construction.

The Senate voted down the SST on December 3 by a margin of 52 to 41.

The conference committee was appointed. Those of us who oppose the SST feel very strongly it was stacked against us in the House—which did by a small majority carry the SST. But among Senate conferees the majority of those who favor the SST outnumber those who oppose it, which we believe to be in violation of the Senate rules.

The conference reported a $210 million "compromise" funding for the SST. By doing so it rejected the Senate mandate and it will make the SST more expensive, by the admission of the Secretary of Transportation who indicated that delays would double the cost. Therefore, this costly compromise growing out of the $80 million in the end will cost $160 million more.

We all know that delays cause inefficiency and that the effects of inflation jack up the ultimate cost. I urge the Senate to bite the bullet, to make a decision, which the Senate has made, and the decision is "go" or "no go"—to be or not to be.

As far as the American public is concerned, they are clearly determined that this does not stand up in the order of national priorities. If I were to list the urgent needs of this country, I could not imagine including the SST, the finding of a way to move a relatively limited number of people above the speed of sound. I could not imagine that it would even get on a list of national priorities much less be funded at this level.

Therefore, I recall the statement made by former President Kennedy that this Government should not put in any money above $750 million. If this bill is approved, the Government share would

be $900 million, and we are a long way from completion.

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

Mr. PROXMIRE. I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. PERCY. Mr. President, I urge that the cloture motion be defeated. I say that first of all because there has not been a filibuster in the traditional sense. There have been no dilatory tactics or delaying quorum calls. I would call myself a leader on the Republican side in connection with the SST. I think this is the first speech I have given since the conference report and I have spoken perhaps a total of a half hour on the floor heretofore.

This is not a filibuster in the traditional sense. There has been an effort to air the issues which, because there are so many questions left unresolved, require appropriate debate and discussion.

The conferees flagrantly ignored the Senate's mandate and thus, the present debate is necessary to uphold the will of the majority.

In conclusion I think that what is at the core of all the controversy surrounding this bill and the others which are being made the subject of long debate is whether our priorities are going to be reordered for all Americans or for the benefit of relatively powerful special interest groups and individuals.

There is no military need for this plane. If there were that would be quite a different thing. But when the military cannot see any benefit from moving men or materiels at this speed, with the cost factor involved, I cannot see a commercial justification for it.

The American people deserve the best, most forward looking, most progressive legislation we can give them, and they deserve more consideration than they have been geeting in this case.

If that requires longer debate, so be it. The future of this country and the ability to reorder our national priorities are worth the price of some extended debate in this matter.

Mr. GOLDWATER. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I am opposed to the SST. I voted against the $85 million appropriation last year and voted against the $290 million appropriation this year. If we get an opportunity to vote on the conference report, I will vote against the conference report and for instructions to the conferees that they insist upon the Senate position in voting against the SST. I do not favor the cloture motion. I do not favor seeing the Senate tell the opponents of the SST that they must vote on the conference report. I am prepared to vote. I would like to vote, and I hope that an agreement can be made later for a vote. I want to see a vote, and have not engaged in the filibuster to prevent a vote.

It is encouraging to see some very distinguished recruits to the noncloture position. I am delighted to see the senior Senator from Illinois (Mr. PERCY), the distinguished senior Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Maine (Mr. MUSKIE) take the position that cloture should not be invoked in this case. I hope they have enlisted for the duration and that they are going to take this position next year when an effort will be made to amend rule XXII.

Mr. President, I oppose the cloture motion and I will vote against applying cloture with respect to the conference report on the Department of Transportation bill.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I was glad to hear the distinguished Senator from Alabama say what he did. Actually the history of cloture was that in the beginning, in the early stages, it was always the minority, which was at that time considered the progressive or the liberal element, that utilized it. It got a bad name only in that period when civil rights was the controversial issue here and that alienated, I think, or caused many people to get the wrong impression of the significance of it.

I certainly shall oppose forced cloture. I have on nearly every occasion I can recall in the history of the Senate opposed cloture.

The senior Senator from Georgia (Mr. RUSSELL) used to make the most eloquent and persuasive argument here. He usually made it on a high plane—and that is what is involved in this case—with respect to the preservation of the system under which we operate, because the Senate is a very important element. Much was said about the Senate being the only legislative body in the world in which this tradition of extensive debate, if one wishes, prevails.

While it can be abused and perhaps has been abused, he used to make a much better argument than I could make now even if I had an hour to do so and not just 5 minutes. But it is far more important than the issue of the SST, or any other, that we preserve the Senate as a functioning institution, and about the only one left which is not completely at the domination and the subjection of the executive department.

When we look around the world today, we find that this is about the only Government that still exists in which the executive is separated from the legislative. All the others have turned into dictatorships. When there has been no separation the executive compares with the President of the Senate and directs and influences the legislative. As it is, we are isolated from the President to a great extent. We communicate with him through the press, television, and individual statements, but I think it is extremely important beyond the significance of the SST that the Senate grow and that our Government be preserved.

In this case, in connection with the SST, there has not been any delaying action. The Senate has spoken on the merits and decided on the merits that the SST at this time is not in the national interest.

Under our traditions we appoint conferees. The tradition is that the conferees should represent the sentiment of the Senate. That tradition is followed more in the breach than in actuality. The truth of the matter is that in many cases the conferees do not represent the sentiment of the Senate, in my opinion. They did not here. And so they go to conference, and a few men, especially those in the Appropriations Committee—and I will come to that at a later stage—especially if the senior members happen not to agree with the Senate, are in a position to undo what the Senate has deliberately decided is the policy of the Senate, after debate, without the pressure of cloture, as to what the proper policy is.

I think if we give in and accept cloture and accept a vote, in which the SST is simply part of a much bigger bill, in most of which all of us are interested——

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

Mr. FULBRIGHT. May I have 2 minutes?

Mr. PROXMIRE. I yield 2 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. In which we are all interested—I guess 90 percent of the Members of the Senate are for the rest of the bill—I think it will put us in an intolerable position. Rather than do that, it strikes me a better alternative would be to adopt a continuing resolution for all the Department of Transportation, or if there is a way to separate the SST item from it and have another debate, if Senators like, on the SST in the next Congress, not under the gun of its being charged as a filibuster, when we are not filibustering, that would be a better way. There have not been more than 2 or 3 hours of debate, at the most, on this item since we acted on it before.

But beyond that, all Senators, aside from what they think about the SST or any one of these specific provisions, should be interested in preserving the Senate's role.

One comment about last night. It was a most interesting closed session. At the moment I accepted the idea that the Senate was showing up badly in the eyes of the public, and even in our own eyes. When I got home and started thinking about it, I rejected that idea. I think what the Senate is doing now is stirring itself, trying to reassert its traditional role in our Government, and that is to have some influence on the course of events on most important national policies.

There seems to be the idea that if, for some reason or another, the House is adamant, the Senate must give in. Again, history shows, when that is done, all upper bodies, whether they were called senates or comparable bodies, have become ceremonial bodies, just like the House of Lords. If we do not stand up, that is what the Senate will become, and you will have a nice, prestigious job with absolutely no responsibility.

Mr. BIBLE. Mr. President, I yield 2 minutes to the distinguished Senator from Washington (Mr. MAGNUSON).

Mr. MAGNUSON. First, Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial which appeared in this morning's Washington Post.

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

THE FILIBUSTER SENATE

For some years this newspaper has contended that the Senate is not a modern legislative body because of its toleration of unlimited debate. During the last few weeks the Senate itself appears to have proved the point beyond the shadow of a doubt.

The filibusters in the lame-duck session have been of the mini variety, but their result has been to throw the legislative program into a state of deep confusion and frustration. The Senate has been literally unable to cope with several of the great issues of the day because a few of its members insist on thwarting the majority will. There was a time when the word "filibuster" conjured up images of long-winded Southerners talking a civil rights measure to death. Now it is the commonest tactic of liberals and conservatives alike and of tiny factions as well as large minorities.

Despite the great pressure on the Senate to clear its congested calendar in the few days that remain, Senators Fulbright and Gravel held up the foreign aid bill for two days in a futile effort to convince their colleagues that the proposed $255 million in aid for Cambodia would lead to a commitment to the present regime in that country even though the legislation itself would prohibit the President from sending in any ground troops or military advisers. Fortunately a vote was finally permitted. The Senate has been further plagued by threats of extended debate on the trade bill and on the conference report involving the controversial SST project. This newspaper has opposed both the trade bill and the SST, but we do not condone stringing out the debate so as to prevent a vote.

The basic trouble is, of course, that the Senate has dawdled along through most of its 1970 session. Several long filibusters when the pressure was less intense left it with an unmanageable burden as the end of the session approached. Undoubtedly many of its debates were highly educational, to use the euphemism customarily employed by the filibusterers themselves. The seven weeks of discussion of the Cooper-Church amendment to limit the war in Cambodia, for example, was of truly national significance. Yet the fact remains that a legislative body confronted by a mountain of vital issues can no longer afford the luxury of unlimited debate on anything.

Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

Mr. MAGNUSON. Mr. President, the Senator from Arkansas just mentioned that this has been a short discussion, and not a filibuster, or perhaps an educational discussion, or whatever one wants to call it. I proposed yesterday, in the closed session—there was not anything particularly secret about it—to those who opposed the Department of Transportation appropriation bill, that they might agree upon a time certain to vote. It could be next week. It could be January 2. We would give them all the time they want. They rejected that suggestion.

For many years I have voted to have the Senate come to a vote after what was in my mind a reasonable time for debate. The question of filibuster is a relative one. It is a question of whether now we have got to the point where a minority in the Senate wants to tie up the majority, whether it be on the SST or anything else.

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

Mr. MAGNUSON. May I have 2 more minutes?

Mr. BIBLE. Mr. President, I yield the Senator from Washington 2 more minutes.

Mr. MAGNUSON. I naturally have an interest in this. We had a conference. If the Senator thinks that when we appoint conferees they are supposed to go to conference and sit in the conference and demand that the Senate's position be upheld, then when the House conferees uphold their own position, we will never have a law passed in the Congress. A compromise is supposed to be just that—it is a compromise.

The Senator from Illinois said we did not compromise. We did. Some people do not like the compromise. I have been on many conferences on appropriations. I have never yet been able to satisfy everybody. But we tried to reach a compromise consistent with the views of each body. It was an honest conference. Conferees on the Department of Transportation appropriation bill are not appointed simply on the basis of their position on the SST. That is only one minor part of the bill. The big point in the conference was the matter of mass transit, and that is important to me, and to all of us, and it is important throughout the country. I have fought for it many times. Some of the conferees who were for the SST were against that. Is that correct?

Mr. PERCY. Mr. President, if the Senator will yield to me, I will take only 1 minute on our time.

Mr. MAGNUSON. I do not have enough time.

Mr. PERCY. On our time.

Mr. MAGNUSON. I will yield on the other side's time.

Mr. PROXMIRE. Mr. President, I yield 1 minute.

Mr. PERCY. When I use the word "compromise" I could not now put into verbalization the language I used at that time, because I gave those notes to the reporter and they were in quotes, but I can say it is no compromise as far as I am concerned. When it comes to dilatory tactics, it was by the proponents of the SST, who refused to let the Senate consider it because they did not want the proponents of the SST taking a position on it before the election. They tried to protect them from taking a position on the SST. That is where the dilatory tactics were. We have had less than 1 hour's debate on this issue on the floor. That is not a filibuster.

Mr. MAGNUSON. I think the Senator from Michigan put it well. I have no qualms about voting for cloture. I have always wanted the Senate to work its will. I guess I have voted for cloture more than any other Member of this body, after a reasonable time for debate, so the Senate could work its will. Many Senators who are now going to vote against cloture have voted for it at other times. That is their business. I could put into the RECORD a record of the votes that certain Senators cast on cloture in the past, but that is their problem.

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

Mr. MAGNUSON. May I have half a minute?

Mr. BIBLE. I yield half a minute to the Senator from Washington.

Mr. MAGNUSON. May I say this to the Senator from Maine? We are concerned about our balance-of-payments deficits. I am concerned about American industry. But here is the most amazing thing: The one thing we have that is the most exportable is airplanes—cash on the line—and we are superior to everyone in the world in that. It is the most positive aspect of our balance of trade, also.

Mr. BIBLE. Mr. President, I will insist upon staying within the time limitation.

Mr. MAGNUSON. All right. I do not know how one can take one position on this and one on other issues.

Mr. BIBLE. Mr. President, may we have this discussion at some other time?

Mr. MAGNUSON. I want to say I am going to vote for cloture.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries, in the Chamber, and especially in the rear of the Chamber?

The PRESIDING OFFICER. There will be order in the Senate and in the galleries.

Mr. BIBLE. Mr. President, I notice by the clock that we have 20 minutes remaining. How much time do we have left on each side?

The PRESIDING OFFICER. One minute remains to the Senator from Nevada, 13 minutes remain to the Senator from Arizona, and 8 minutes remain to the Senator from Wisconsin.

Mr. BIBLE. Mr. President, I reserve my 1 minute.

Mr. GOLDWATER. Mr. President, I yield 2 minutes to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I have never voted for cloture, but I intend to do so today. There is much more in this bill than the SST. There is money in it for controllers, there is money in it for CAB carrier payments, there is money in it for the Alaska railroad. I do not see how we possibly could hold up all of the increases that are in the bill—

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Conversations will cease.

Mr. STEVENS. I do not see how we could hold up all the increases involved in the bill because of the dispute that

exists between the House and the Senate on the SST.

The House of Representatives has three times said it wants the SST. By a narrow margin the Senate decided not to fund the SST program. In the process of the conference, the committee approved a lower funding for the SST.

I think the SST appropriation itself is miniscule in relationship to the rest of the benefits of this bill, and suggest that those who oppose the SST can work their will next year if they decide to do so. But I believe this measure should go ahead. I can state very clearly that if we cannot get cloture on a bill of this magnitude and importance to all the transportation industries of this country, then I think rule XXII has to be changed, and I shall assist in seeking to do it next session.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I yield myself 4 minutes.

Mr. President, for the first time in my career as a U.S. Senator, I put my name to a petition for cloture, and I shall, for the first time, and maybe the last time, vote for it.

I have a reason. Mr. President, I have sat through almost all of the debate, if we can call it that, on this issue. I was subjected to the pressures last fall, when we left here—and I think that is where this SST got in trouble—when conservation groups—and I am a member of nearly every one of them—met with Senators when they went home, and started relating mythology as it applies to ecology.

Mr. President, I have studied in this field most of my life. I have spent 41 of my 61 years flying. I have done something no one else in this body has done: I have been up there. I have flown at 81,000 feet, at 3.1 mach, and I can tell this body there is nothing happening there that will harm the ecology of this world of ours. Nature itself, Mr. President, does more damage to our environment than man does or man ever will—not that man does not add to it; he does. But to say that the SST is going to cause the icecaps to melt, is going to cause ozone to form, is going to circle this earth with moisture, is nothing but pure unadulterated poppycock.

Mr. President, I shall vote for cloture for that reason. I have heard a lot here about what supersonic flight will do. We have had 538,000 supersonic flights in this country. That works out to about 107,000 a year, about 10,000 round trips to the nearest shores of Europe a year, or about 25 a day. And, Mr. President, there has never been one single complaint lodged with the military, which has made these flights, by the scientists or by any interested citizen.

Yes, we get an occasional complaint about the sonic boom. I live in probably the most heavily boomed part of the country, with maybe 20 to 50 a day, and I will have to say it is not pleasant, but you get used to it. I am not using that as a defense, but we are making progress in this field of the sonic boom, and I think we will some day have it down to the point where it is not objectionable at all.

I think this discussion throughout has been more on an emotional basis than on a basis of science and facts. I look on this aircraft as a research and development project, and I think we would be utterly stupid to stop it. It may be true that the airlines do not want it tomorrow, or next year; but some day, some year, some airline in this world is going to want an SST, and if they have to buy that aircraft from Russia, from West Germany, from England, from France, or from Japan, the United States is going out of the subsonic aircraft business, and we will then have lost the last major industry that we dominate in this world.

Mr. President, we have heard about sideline noises. We have not even developed the engine yet; how can a scientist tell what the sideline noises will be?

I can tell you what I have heard. I have listened to a simulation or a mockup, and the engine noises of the SST are 4 decibels lower than the approach noises of a 707. You cannot tell the difference in 4 decibels.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOLDWATER. I yield myself 1 more minute.

You cannot tell the difference in 4 decibels, but you can in 12. And this engine, theoretically at least, will develop 12 fewer decibels on takeoff, in community noise, than the 707. And I might add, Mr. President—I wish we could have the chart in here but we cannot—that the community noise level of the SST as projected will be less than that of the 727, the 707, or any of the smaller jets.

Mr. President, I intend to vote for cloture for the first time in my life on this measure, because I think we have passed the area of commonsense, and are dealing entirely in emotion here, and in facts that cannot be substantiated.

I ask unanimous consent, without inferring any reflection on the two Senators, to have printed in the RECORD at this point in my remarks a diagnosis that has been made of the statements of Senators NELSON and HUGHES contained in the CONGRESSIONAL RECORD of December 17, 1970, to point up what I have been trying to bring out.

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

RESPONSE TO SENATORS' NELSON AND HUGHES STATEMENTS CONTAINED IN THE DECEMBER 17, 1970, CONGRESSIONAL RECORD (PAGES 42092 THROUGH 42190)

SENATOR NELSON

Statement

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.

Response

SST Program critics have ignored and continue to ignore the benefits of the SST while carrying on a campaign to "kill it" at any cost.

The 87th through 81st Congresses conducted 15 separate appropriation hearings on the SST and in each case concluded that the public value was justified. To date, $708 million in appropriations have been voted for this program. The program has been reviewed nine times by the special committees of the House and Senate—a total of 24 Congressional reviews. In addition, support for the program has been expressed within the past 60 days by all affected members of the President's Cabinet as evidenced by their letters which have been made a part of the Senate Subcommittee appropriation hearings.

The Executive Council of the AFL–CIO during its session on 3 August recognized the employment benefits of the SST by adopting a supporting resolution which its President, Mr. George Meany provided for the record. However, the SST's potential benefits are manifold and not just limited to some 50,000 direct jobs in the aircraft industry and 100,000 or more supporting activities as implied. In addition to providing substantial employment, national benefits will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Also, the importance of the SST in providing service to the public and in relieving airways and airport conjestion is further emphasized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World Traffic.

Statement

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.

Response

The Office of SST Development has been and is well aware of the environmental concerns relative to the SST.

First of all it should be established that the Office of SST Development is in full accord with Mr. Train who is the Chairman of The President's Council on Environmental Quality when he says that further study is necessary. From the outset, the SST development program has taken into account a number of concerns about the environment. Recently more questions have been raised and many theories postulated. However, according to existing data and available evidence, there is no evidence of likelihood that SST operations will cause significant adverse effects on our atmosphere or our environment. That is the considered opinion of the scien-

tific authorities who have counseled the government on these matters over the past five years. Nevertheless, the desired degree or certainty about these matters has not been attained and, for this reason, we have formed an Environmental Advisory Committee composed of some of the most knowledgeable atmospheric specialists in the United States to further explore and advise on these matters. The Committee will suggest and plan research in any areas where lack of information, doubts or uncertainties still exist. Where further research is necessary, it will be conducted so that more concise answers will be available in the 1973–1974 time period. This assures that before U.S. SST production is initiated the most expert scientist in the United States will have available pertinent information and definitive data necessary to determine whether or not environmental degradation could result from any SST fleet operations.

Statement

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 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.

Response

Rachel Carson is deserving of substantially more recognition than has ever been accorded her efforts. She did a service for mankind in pointing out a potential problem and research was undertaken as a result of her efforts. She has in a very real sense contributed in a positive sense to the structuring of the SST program. This is a program in which the research is being undertaken before the decisions are reached.

Statement

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.

Response

The financial and environmental aspects of the SST program are favorable when viewed in their proper perspective.

In fact the SST program has a consistent record of congressional support as evidenced by the following:

1. The 87th through 91st Congresses conducted 15 separate appropriation hearings on the SST and in each case concluded that the public value was justified. To date, $708 million in appropriations have been voted for this program. The program has been reviewed nine times by the special committees of the House and Senate—a total of 24 Congressional reviews. In addition, support for the program has been expressed within the past 60 days by all affected members of the President's Cabinet as evidenced by their letters which have been made a part of the Senate Subcommittee appropriation hearings.

2. It should also be noted that: The Executive Council of the AFL–CIO during its session on 3 August recognized the employment benefits of the SST by adopting a supporting resolution which its President, Mr. George Meany provided for the record. Moreover, Congress has continually recognized that the SST's potential benefits are manifold and not just limited to some 50,000 direct jobs in the aircraft industry and 100,000 or more in supporting activities as implied. In addition to providing substantial employment, national benefits will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Additionally the importance of the SST in providing service to the public and in relieving airway and airport congestion is further recognized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World traffic.

The environmental concerns over the SST are to a great extent a red herring. Two prototypes are not going to disturb this planet's environment. The environmental impact statement submitted by the Department of Transportation also indicates there is little to be concerned about with a fleet of SST's. In any case, the two prototypes and parallel study programs are expected to resolve prior to production whether any of the concerns are real.

Statement

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.

Response

To put the role of American air travellers in proper perspective it should be noted that air travel is considered a dominant mode of travel which is continually growing. In 1969 over 50 million citizens (25% of U.S. population) travelled by air. In 1985 it is estimated that over 151 million citizens will be travelling by air. 25 million on international routes planned to be serviced by the SSTs. Without a new generation airplane having the productivity and capability of the U.S. SST the demand for larger fleets would have significant repercussions on airways congestion, airports, airlines and on fare levels and traffic growth.

Advantages of the SST are not limited solely to saving time for air travellers. The importance of the SST in providing service to the public and in relieving airways and airport congestion is further emphasized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World traffic. Further, the SST's potential benefits are manifold. They will provide substantial employment, national benefits which will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Finally with regard to SST productivity and profitability it should further be emphasized that SST economic studies for the past several years have been based on the assumption that SST operations will be restricted because of the sonic boom. The 500 SST base market estimate prepared for the FAA by the Institute for Defense Analyses, was based on this assumption as was Boeing's analysis of 142 major international routes that resulted in a 515 market by 1989. Moreover, the 500 SST market was based on a 1966 traffic forecast that is already 25 percent below actual traffic in 1969. Updated traffic distribution by length of route and more accurate income distribution data, when combined with a revised traffic forecast, produce a new market estimate for the SST 50 percent higher than the original 500 SST estimate.

Statement

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.

Response

To date there have been better than 538,000 hours of supersonic flight accumulated using various types of aircraft. The Department of Transportation has checked with the Department of Defense where most of this flight time has been accumulated, and there is no evidence to indicate that migrating birds have been affected in any way whatsoever. One of the purposes of the prototype program for the SST is to develop answers which will afford the basis for subsequent decisions. This applies to the environment, to the ecology areas, as well as to commercial production of a fleet of supersonic commercial transports.

Statement

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.

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.

Response

The Office of SST Development has dealt with this and other questions extensively. The sonic boom will not be heard along the entire route of the SST as it must fly subsonically at each end of its flight for approximately 100 miles when approaching and leaving coastal airports. Hence, life in these coastal regions cannot be affected. With regard to the possible effect of the SST sonic boom on marine life, Dr. John C. Calhoun, Chairman of the National Academy of Sciences Committee on Oceanography, informs us that—"A substantial amount of work has been done on the effects of explosions in air, which demonstrates clearly that acoustic energy is transmitted very inefficiently from the atmosphere to the ocean. Other experi-

ments on attempts to influence fish acoustically are trivial if detectable."

A special report to the Secretary of Interior also indicates that it seems unlikely that the pressures from sonic boom could have any effect on aquatic life, especially "since the overpressures from sonic booms are much less than differences in pressure between the top and bottom of a small ocean wave."

For more than 20 years, military aircraft have been conducting extensive supersonic operation off the East and West coasts of the United States, as well as other ocean areas throughout the world. To date, no Government agency including the Air Force, Navy and the Coast Guard have received any sonic boom complaints or damage claims resulting from this overocean supersonic operation. During this period of time, boats and ships of all classes, fishing industry operations and the like have been frequently exposed to sonic boom with no adverse effect on them.

Statement

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.

Response

Nowhere has it been claimed that the sole purpose of the SST is to prove out the effects on the stratosphere.

First and foremost the objective of the Supersonic Transport Program is to develop a commercial supersonic airliner which is safe for the passenger, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable airplane. The program is an investment intended to insure the continued growth and prosperity of a vitally important sector of the National economy—air transportation.

This objective must be accomplished within constraints imposed by the Government to protect U.S. and world citizens. Protection is not limited to passengers' safety of flight but includes protection of world citizens from potential hazards of noise, environmental pollution, sonic boom and possibly other yet unknown phenomenon.

If there were nothing more to be learned about the environment than could be learned using current equipment and if sufficient data were available from the suggested sources, there would be no environment questions concerning the SST. However, since there is nothing available that can duplicate the SST flights, and since the environmental questions continue to exist, there appears to be no substantiation to Senator Bayh's claim.

Now insofar as the employment aspects are concerned, it has already been demonstrated and continues to be demonstrated at this very moment that you cannot develop programs and put people to work in them just by saying so.

We do not have "all kinds of military planes that fly faster than this one" and we have none that can sustain supersonic flight at SST ranges. There are none of the SST size that can exceed the speed of sound. While we do not believe there is any problem in sustained supersonic flight at SST altitudes, the only aircraft that came anywhere close to being able to gather data are the Concorde and TU–144.

Statement

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.

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 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.

Response

First of all, to my knowledge, no one from the Department of Transportation has ever stated that we should join with the Russians and the British and French for the express purpose of polluting the earth with sonic boom as these statements imply. This is an absolute distortion.

Now in the area of jurisdiction it is agreed that this rests in mankind, *who should act responsibly*. Our people have taken the lead in sponsoring research efforts in order to resolve the many unknowns associated with such a program as this. We are acting responsibly toward mankind's interests and to suggest that our effort be halted would be to act irresponsibly.

Statement

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.

Response

First and foremost the objective of the Supersonic Transport Program is to develop a commercial supersonic airliner which is safe for the passenger, economically sound for the world's airlines, and whose operating performance is superior to that of any comparable airplane. The program is an investment intended to insure the continued growth and prosperity of a vitally important sector of the National economy—air transportation.

This objective must be accomplished within constraints imposed by the Government to protect U.S. and world citizens. Protection is not limited to passengers' safety of flight but includes protection of world citizens from potential hazards of noise, environmental pollution, sonic boom and possibly other yet unknown phenomenon.

Statement

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.

Response

While we value every man's opinion, let us look at the opinion of many distinguished scientists throughout the country.

The following statement, prepared by the President's Science Adviser, Dr. Edward E. David, Jr., has been endorsed by a group of distinguished American scientists who opposed the action of the United States Senate in denying funds to continue experimental work on the Supersonic Transport Aircraft:

"The recent Senate Action denying funds for experimental work on the Supersonic Transport represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development, and experimentation make sure that those advances are obtained without undesired side effects. Instead of canceling work on the SST, we should mount a vigorous program of experimentation aimed not only at solving the technical problems of economic supersonic transportation but also at assuring no undesirable effects."

The following eminent scientists have expressed individual support for this statement (affiliations are given for identification purposes only):

Dr. Harold M. Agnew, Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. Ernest W. Anderson, Iowa State University, Ames, Iowa; Dr. Charles A. Barth, University of Colorado, Boulder, Colorado; Dr. Raymond L. Bisplinghoff, National Science Foundation, Washington, D.C; Dr. Robert A. Charple, Cabot Corporation, Boston, Massachusetts.

Also, Seymour J. Deitchman, Institute for Defense Analyses, Arlington, Virginia; Dr. Stark Draper, MIT Instrumentation Laboratory, Cambridge, Massachusetts; Dr. Eugene Fubini (formerly IBM), Washington, D.C.; Dr. Thomas Gold, Cornell University, Ithaca, New York; Dr. Robert Milton Howe, University of Michigan, Ann Arbor, Michigan.

Also, Dr. Richard H. Jahns, Stanford University, Stanford, California; Dr. William W. Kellogg, University of Colorado, Boulder, Colorado; Dr. Winston E. Koch, Bendix Corporation, Detroit, Michigan; Dr. Eric B. Kraus, University of Miami, Coral Gables, Florida; Dr. Paul W. Kruse, Jr., Honeywell, Inc., South Hopkins, Minnesota.

Also, Dr. Helmut D. Landsberg, University of Maryland, College Park, Maryland; Dr. Frank T. McClure, Johns Hopkins University, Silver Spring, Maryland; Dr. William G. McMillan, Jr., The Rand Corporation, Santa Monica, California; Dr. Ruben F. Mettler, TRW, Inc., Redondo Beach, California; Dr. Rene H. Miller, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Also, Dr. Wilbur R. Nelson, University of Michigan, Ann Arbor, Michigan; Dr. William A. Nierenberg, Scripps Institution of Oceanography, LaJolla, California; Frank A. Parker, Jr., Research Analysis Corp., McLean, Virginia; Dr. Walter O. Roberts, Univ. Corp. Atmospheric Research, Boulder, Colorado; Dr. Leonard S. Sheingold, Corporate-Tech. Planning, Inc., Waltham, Massachusetts.

Also, Dr. Chauncey Starr, University of California, Los Angeles, California; Karl V. Steinbrugge, Pacific Fire Rating Bureau, San Francisco, California; Dr. Henry S. Stillwell, University of Illinois, Urbana, Illinois; Dr. C. Guy Suits, Crosswinds, Pilot Knob, New York; Dr. Edward Teller, University of California, Berkeley, California.

Also, Dr. Frederick E. Terman, Stanford University, Stanford, California; Dr. Milton J. Thompson, University of Texas, Austin, Texas; Dr. G. L. Von Eschen, Ohio State Uni-

versity, Columbus, Ohio; and Dr. Eric A. Walker, Pennsylvania State University, University Park, Pennsylvania.

SENATOR HUGHES

Statement

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.

Response

The President and the Secretary of Transportation have stated that supersonic flight which would produce a sonic boom will not be permitted over the United States. Since that pronouncement in September 1969, the FAA has issued a Notice of Proposed Rule Making which clearly establishes that sonic booms will not be allowed over land in this country.

An addition to the President's statement and the FAA proposed rule concerning sonic boom, Public Law S–4547 prohibiting flights by commercial aircraft at sonic-boom producing speeds over the United States, its estuaries, islands and territories has been passed by the Senate, and awaits only action by the House.

Statement

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.

Response

The Chairman of the Working Group on Climatic Effects at the referenced MIT-sponsored meeting was Mr. W. W. Kellogg, Director of the Laboratory of Atmospheric Sciences of the National Center for Atmospheric Research. In a letter to the Director of SST Development, Mr. Kellogg made the following pertinent observations which tend to dispel the "expressed great concern" . . .

"The purpose of this letter is to clarify some of the conclusions of the report of the Study on Critical Environmental Problems (SCEP, commonly known as the MIT Summer Study)."

"It seems that one particular statement in our report has been misunderstood by the press, and I would like to make the record perfectly clear."

"Nowhere have we indicated that we believe the SST development should be held up or delayed pending the results of this study."

Additional information which should alleviate concerns and uncertainties associated with the program is contained in a memorandum to the President from Mr. Russell E. Train, Chairman of the Council on Environmental Quality. It states in part:

"As my testimony before the Joint Economic Committee sought to make clear, the concerns and uncertainties which this Council has identified relate solely to the possible future operation of a fleet of commercial SST's. The two prototype SST commercial aircraft, as proposed by the Administration, would not in themselves give rise to any significant environmental problem."

Statement

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-takeoff-and-landing and vertical-takeoff-and-landing aircraft.

Response

Aside from the statistics which totally disregard the true impact on people in terms of career disruptions, family dislocations, school considerations, etc., the prototype phase of the program is being conducted only to demonstrate the viability of the production aircraft. In the production phase, the SST will provide 50,000 direct jobs and more probably concern 150,000 jobs. These will entail high paying employment for skilled craftsmen in an area in which the United States is dominant.

To default the SST program will export this employment and the benefits which accrue as a result of such employment to foreign countries. That we should strive to move from a position of dominance to one of lesser stature hardly appears a reasonable approach to solving employment problems of this country.

Apparently the British and French who are building the supersonic Concorde aircraft are not in agreement that an SST will be regarded as not being useful and desirable by society.

What really happens when a U.S. SST is replaced by a Concorde? The demand for goods and services in the U.S. economy is finite and in a competitive economy a finite number of employees are required to produce those goods and services. The loss of U.S. SST sales would result in loss of both primary and indirect employment opportunities.

From all indications, forfeiture of the long-term SST program, in favor of higher immediate welfare expenditures would be a "penny wise-pound foolish" policy. In 1968 the net contribution to the U.S. balance of payments from aerospace product exports was $2.6 billion, of which $2.1 billion was in civil aircraft and aircraft parts. Without a market follow-on to the large-capacity subsonic jets, that export advantage will recede and the economic benefits of U.S. aviation leadership will decline or disappear.

Looking only at the aircraft trade account, the balance of trade impact has been revised from the 1969 estimate of a $17 billion swing from the trade effect with a U.S. SST program to the effect without an SST program. The swing in the aircraft trade account under realistic assumptions is now estimated to be almost 100% greater or $30 billion.

The greater balance of trade impact reflects several more realistic business considerations. Without a U.S. SST, a Concorde II design with better economic potential is highly probable. There are indications this may occur in any event. The consortium producing the A–300B is estimating sales of 400 airplanes, excluding U.S. airlines, but are no doubt counting on sales to U.S. carriers as replacement for the 727–200 and the DC–9–30 when traffic density necessitates. Offset agreements providing for participation by foreign manufacturers in U.S. programs are currently in effect for over $2 billion, and should be at least this much in the period to 1990.

The higher impact on the balance of trade reflects the sales appeal of a family of aircraft offered by foreign manufacturers, the Concorde/A–300B/Mercure. Without an SST, U.S. industry will be offering only a 747/trijet family. There are no plans at present to produce any other advanced jets, particularly designs that would be competitive with the A–300B and the Mercure. It is very likely that U.S. airlines will be interested in the two-engine airbus and the 134-seat Mercure, in view of sales prices that will probably be below those of the jets now offered by U.S. manufacturers.

Regarding probable production of V/STOL and STOL airplanes to replace the SST Program, the industry is still looking for a breakthrough in the design of an economically viable aircraft. The noise and other environmental problems resulting from operations at close-in airports near urban centers are more formidable than those facing the SST, and the amounts of Government investment involved could be much greater.

Statement

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 noises during take offff 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.

Response

In keeping the noise issue in perspective, it should be kept in mind that the preponderance of noise complaints originate from the community as opposed to airport noise. The U.S. SST will actually be only half annoying as today's 707 and DC–8, over the community and today's sideline noise concerns are relatively new in airport considerations. For example, no airport in the free world presently requires sideline noise limitations. Emphasis has been on approach and take-off noise. In this regard, testimony was offered by the Director of the SST Program in his appearance before the Senate Appropriations Subcommittee as follows:

"I had the head of the Port of New York Authority come down and talk to us recently. He assured me that at JFK they have yet to have their first civil complaint on sideline noise. Every complaint they have ever had has been over the community.

"This is a good point to make, because we must not get so fascinated with a technical rule that we think sideline noise will be so bad that the SST is untenable. There is no evidence yet as to what the proper sideline noise level of acceptance really is.

"We have just guessed at it in the rules for subsonic jets," . . .

However, long before the U.S. SST is built the FAA will have rules governing noise. The very existence of the Concorde which is scheduled for commercial service in 1973, will make such rules mandatory. In fact, sideline and community noise standards for supersonic aircraft are in the process of being developed through Advance Notice of Proposed Rule Making (ANPROM) issued 6 Auguest 1970 (Published in Federal Register [35 F.R. 12555],

Statement

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.

Response

The $1,283 million estimate is the government estimate and not the contractors. The contractors, Boeing and GE, are not in agreement with this government estimate and believe that the cost will be less. They are still planning to their lower figures and scheduling November 1972 as first flight date.

On this point the President of Boeing, Mr. T. Wilson presented his position in a letter which has been made a part of his testimony. The letter states in part:

"I would state further on this subject that there is no overrun of program cost estimates at this time, nor any critical schedule slippage. As a matter of interest we are completing one of our major fiscal '70 objectives, that being the design and construction of the full-scale Class II structures mock-up within schedule and budget."

To further assure that SST cost targets will be met the following elements of the overall cost management system provide the confidence that cost overruns above this number will not occur.

1. The contracts require early notification of any potential overrun in any funding period and the Government is not obligated to fund the overrun but can terminate the program.

2. The contracts require notification of any estimated deviation from total cost of 5%. If the Government elects not to proceed with the program, the contractor is refunded only a portion of his share.

3. The contractors share 25% of all allowable costs over their cost incentive points. This same cost sharing arrangement is passed on to many of Boeing's first tier major subcontractors.

4. There is no escalation clause that would allow the cost incentive point to change with price level increases.

5. There is no limit to manufacturers liability—no ceiling on the amount they may be required to share.

6. The contractor and OSTD management control systems are predictive and provide sufficient information to forecast probable program outcome.

7. Program cost data are available to the Congress and deviations from planned expenditures are subject to Congressional Review.

Certain witnesses have expressed "their opinions" or "beliefs" about the SST program costs increasing. Such statements ignore the fact that expenditures of both contractors have consistently run below and are currently below the predicted expenditure levels. More significantly, overlooked is the fact that all cost overruns require the contractors' rate of cost expenditure to increase 150%. It is unlikely that the manufacturers would vigorously proceed with this program or assure the Administration of their financial forecasting if there were any reasonable possibility of a substantial additional financial burden.

The welfare problem of the 1970s derives from the planning of the 1960s. We must not default on the forward-looking programs under development now, but must recognize that benefits to the public will be delivered in the 1980s. The SST is such a program; it provides jobs, national revenues and a healthy industry in the 1980s in return for a "loan" to the industry in the 1970s. The priority of preserving and nuturing seed corn for future crops must always outweigh the desire to satisfy immediate hunger pangs.

Statement

The huge anticipated cost of the SST is only part of the problem. Let us remember who is paying the 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.

Response

To put the role of American air travellers in proper perspective it should be noted that air travel is considered a dominant mode of travel which is continually growing. In 1969 over 50 million citizens (25% of U.S. population) travelled by air. In 1985 it is estimated that over 151 million citizens will be travelling by air. 25 million on international routes planned to be serviced by the SSTs. Without a new generation airplane having the productivity and capability of the U.S. SST the demand for larger fleets would have significant repercussions on airways congestion, airports, airlines and on fare levels and traffic growth.

Advantages of the SST are not limited solely to saving time for air travellers. The importance of the SST in providing service to the public is further emphasized by the fact that in 1985 fewer SST's will carry as many passengers as the total 1969 Free World traffic. Further, the SST's potential benefits are manifold. They will provide substantial employment, national benefits which will be realized in all areas of economic life of the Nation; in helping to maintain a strong, competitive aircraft and airline industry, contributing technological techniques in manufacturing and materials applicable throughout all industry and providing a positive contribution to the U.S. balance of payments through the export trade account.

Statement

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.

Response

The trends in performance characteristics for the U.S. SST are continually monitored with respect to the program objectives. After Boeing was selected to design and build the U.S. SST a crucial development was the critical weight build-up as they entered detail design, test, and analysis of the Boeing variable sweep aircraft. As more detailed engineering design data became available, it became apparent that the original performance objectives could not be met with the variable sweep configuration. This was primarily due to prohibitive weight penalties required to correct aerodynamic control difficulties and associated aeroelastic problems. After intensive investigation of possible alternative approaches on improved fixed wing design was selected, the 2707-300.

The moderately swept delta wing with a horizontal tail has good supersonic performance as well as good takeoff, landing and subsonic cruise characteristics for the 2707-300.

Takeoff-landing performance

Although there was a moderate increase in takeoff and landing speed, the field length requirements are met with substantial margins. This assures the 2707-300 has the capability to use existing airport runways without costly increases in runway lengths.

Range, payload and speed

The production aircraft range and payload objectives have been increased while maintaining the same cruise speed requirements of Mach 2.7. The higher payload translates into more productivity with the increase in numbers of passengers from 277 to 298.

Noise characteristics

Generally, the noise characteristics are in line with the Phase III RFP objectives. Major emphasis on noise suppression has led to increased knowledge of the jet engine noise phenomena which will result in a minimum attainable noise impact from the SST. Community noise of the SST is significantly less than from many current subsonic aircraft. In fact, SST noise levels while over the community after takeoff and during landing approach are the same as in the FAA's noise rule for new aircraft. It is doubtful that many of the long-range international jets currently in service will ever be able to achieve these levels and still have an economically viable retrofitted aircraft. Emphasis is being directed to reduce the sideline noise without degrading the excellent community noise characteristics. The objective of SST noise reduction research is to reduce these sideline noise levels by 50% by the time the Production SST goes into service.

The knowledge and technology improvements made during the prototype design and flight test program will be used to achieve the desired range/payload and noise objective in the production aircraft designs. Load tests of the airframe will enable the structure to be improved as planned to carry the larger design gross weight more efficiently. The advanced tooling concepts planned for the prototype aircraft also provide for structural growth without recourse to new tooling. Planned aerodynamic and engine technology improvements will also contribute significantly to improved aircraft performance characteristics.

We have tightened up as far as the United States is concerned. The FAA issued a rule in November 1969 which established noise levels for subsonic aircraft. Subsequently, the FAA issued on 4 August 1970 an Advanced Notice of Proposed Rule Making to establish noise levels for civil supersonic transport aircraft.

The SST noise objectives have been lowered as much as is technologically practicable and appropriate for the particular design since the start of the program in 1963. A comparison of these objectives with noise levels of subsonic jets of the same time period follows:

Year and SST objectives EPNdB	Subsonic jet noise EPNdB	Point
1963:		
115	118	Approach.
126	108	T. O. sideline.
107	118	T. O. community.
1964:		
113		
124		
103		
1966:		
104		
122		
100		

Year and SST objectives EPNdB	Subsonic jet noise EPNdB	Point
Now:		
108.[1]	[1] 108	Approach.
112	108	T. O. sideline.
108	108	T. O. community.

[1] All noise levels were expressed in PNdB prior to 1969. However, these data have been adjusted to EPNdB and distances specified in the current rule for new subsonic jets for ease of comparison.

Statement

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.

Response

Government financial assistance to the Supersonic Transport Program is not much different than the aid that the government has given directly or indirectly to major advancements in commercial air transportation over the past 30 years through the development of military aircraft and engines. During World War II large military orders for the C–54 (DC–4) C–118 (DC–6) and the C–121 (Constellation) provided the development and production base for the fine propeller driven commercial fleets of the 40's and 50's. In the early 1950's the B–47 program provided the key to jet engine application to large swept wing aircraft. The B–52 followed shortly entering service in 1956. The bulk of this development had direct application to the commercial subsonic jet aircraft.

In parallel with the B–52 program Boeing built a commercial jet prototype 367–80 model, a bold and unprecedented development effort requiring some $16 million of company money on a high-risk program. Experience from this "dash 80" program and the B–47, B–52, and KC–135 military programs led to the 707, the first American commercial jet transport.

During this same time period, the mid 1950's, Douglas Aircraft also obtained necessary data and experience on high performance swept wing jets from the B–52 and KC–135 programs and their own A3D and B–66 programs that were applied to the DC–8. Again, as in the case of Boeing, Douglas heavily depended on military funded programs to provide the technical know how, and on already developed equipment that was applicable to commercial jets. Thus the commercial jet transports flying today had a technology base resulting from over a 10 year period of large government development test and production programs.

More recently the Boeing 747 was a daring venture to introduce the wide bodied "jumbo jets." In this case, Boeing had unsuccessfully bid on the C–5 program but was reimbursed by the Government by approximately $6 million on a cost sharing basis during the program definition and design competition phases. Based on this competition experience, the company took the gamble that an aircraft that size could be made into a saleable commercial transport.

From the foregoing, it is apparent that commercial aircraft development has been Government supported one way or another many times. Government participation in the SST prototype program should not therefore, be considered extraordinary or as a detriment. The $1.3 billion required to develop the SST is simply too large a price tag to expect contractors and financial concerns to pick up. Government financing of other transportation programs in shipping and railroads has occurred in the history of our country when the magnitude of the effort was beyond industries' financial capabilities.

The one unique feature of the SST prototype financial arrangement is that the taxpayers will get their investment back, with interest. By the time the 300th airplane is built the government will, through royalties, get back its $1.3 billion. By the sale of the 500th airplane it will receive another billion. Under terms of the contract the Government will pay for about 76% of the costs. The remaining 24% is being financed by the participating contractors Boeing and GE.

Initially the Government's participation is an investment as opposed to a subsidy and is restricted to the development phase.

The feasibility of industry financing of the development phase has been considered on numerous occasions. The answer is quite uncomplicated—no single manufacturer in the aircraft industry has the ability to do this through normal commercial channels and particularly so far in advance of having a prototype aircraft with which to evaluate the production program risks.

One definitive measure of the magnitude of the problem is demonstrated by the fact that the Concorde program is being financed by two governments—the British and the French. The other supersonic aircraft, the TU–144, is being financed by the Russians. In neither of these programs is there any participation by the manufacturers or by airlines—they are totally government financed.

Our own program has been designed to maintain the normal commercial relationship between the manufacturers and the airlines while assuring that the program moves forward. In accomplishing this we have required the manufacturers to become risk participants in the development phase. By contractual agreement their participation also works as a cost containment measure in that their share becomes increasingly burdensome as program costs move beyond established amounts.

More specifically there are three basic types of investments which the manufacturers will make in the program. These involve (1) a share of the allowable contract costs, (2) furnishing of testing and manufacturing facilities, and (3) nonallowable costs which must be borne totally by the manufacturer. It is estimated that through the development phase these three types of investments will total $228 million for Boeing and $94 million for General Electric.

Statement

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.

Response

The above profit figures are obviously absurd, since they indicate either $10.8 million profit per airplane, depending on what figures are used. However, no aircraft manufacturer in the past has been able to break even on less than 200 or 250 airplanes.

Boeing's profit for a 500-SST Program is estimated at a maximum of $4 million *before taxes*, after allowing for interest and commercial expenses. This is reduced to $2 million after taxes, or about a 5% margin, which is less than most manufacturing industries would be willing to make and stay in business.

The Senator's statement seems to imply that it would be wrong for Boeing to realize a profit, after investing its own funds, facilities and key personnel for over 15 years without getting back one penny in return. If profits were not available, the various levels of government would have no tax funds to support the many health and education programs in existence today and into the future. Placing the aircraft industry in a second-rate position will only reduce the source of tax revenues in the future.

Statement

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 profitmaking. 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 such a small return on the public's investment is a bad principle.

Response

Our county is not the only one that recognizes the public value of SST's. The importance of government involvement in the development of a supersonic transport was most clearly stated by Sir George Edwards, managing director of British Aircraft Corporation (builder of the Concorde SST) in a recent speech at Oxford University.

Edwards said that it now has to be accepted that the main partner for high technology industry has to be the government, and he added:

"The product of risk and investment required is too great, and the monies themselves too large for it to be any other way if we are to gain the large world market prizes which Britain has to win, and must continue to win, if she is to survive."

"In fact, the time has already come when really big ventures to the frontiers of knowledge involve too much money for one government on its own, even if the government is that of the United States."

The accusation has been unfairly made that even if the plane is a big success, the Government gets its money back with only 4.3 percent interest—less than the Federal Government pays for money its borrows. Keeping in mind that the Government does not compete with financial agencies on the rate of loans, the following points are made:

1. The 4.3% represents only the royalty return to the Government, considering the time value of money. In strict dollar terms, this is a $2.3 billion return for a $1.3 billion investment or nearly 50%.

2. Direct tax benefits of more than $6 billion are not included. Considering this aspect, the return is 16.7% on sales of 500 aircraft.

3. The related benefits of 150,000 jobs, over $22 billion swing in positive balance of trade, of technological fallout, of reduced adverse environmental effects as opposed to all SSTs built by foreign nations, of the international marketing advantage of demonstrated aviation leadership, are not included.

Statement

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.

Response

National prestige is not an input into the SST Program but rather is an output which necessarily attaches. It is something which is earned when our free enterprise system plans ahead, succeeds in competing with the nationalized systems abroad, and produces benefits for the nation as a whole. As the Secretary of Commerce submission to the President in early August 1970 points out—"An American SST program will mean a higher level of employment in those areas where aircraft manufacturing is considered a substantially stronger industry, and a more manageable international financial position."

Looking only at the aircraft trade account, the balance of trade impact has been revised from the 1969 estimate of a $17 billion swing from the trade effect with a U.S. SST program to the effect without an SST program. The swing in the aircraft trade account under realistic assumptions is now estimated to be almost 100% greater or $30 billion. The two estimates are compared in the following table:

AIRCRAFT TRADE ACCOUNT 1974-90

[In billions of 1967 dollars]

	With U.S. SST (plus)	Without U.S. SST (negative)	Swing
Concorde I only	$10.1	$7	$17.1
Concorde I and II, A-300B Airbus imports, offset agreements	10.1	7	29.8

The greater balance of trade impact reflects several more realistic business considerations. Without a U.S. SST a Concorde II design with better economic potential is highly probable. There are indications this may occur in any event. The consortium producing the A-300B is estimating sales of 400 airplanes, excluding U.S. airlines, but are no doubt counting on sales to U.S. carriers as replacement for the 727-300 and the DC-9-30 when traffic density necessitates.

Statement

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.

Response

The DOT was aware of its responsibility to the public to have an independent appraisal of the research program being formulated to resolve atmospheric uncertainties; to insure that the research effort is so structured as to produce the answers which will be needed to make a decision regarding production of the U.S. SST. Thus the Department of Commerce Technical Advisory Board, (CTAB), a group of 16 top non-government academic professional and industry leaders were asked to consider the uncertainties raised, to examine research already accomplished and determine if the research program being developed by DOT in coordination with the SST Environmental Advisory Committee, NOAA and other supporting agencies, is indeed adequate and timely.

The Department of Transportation has carefully separated prototype development from possible future commercial development. The SST development program is committed to the development of prototype aircraft that will demonstrate the performance, economics, safety and environmental qualities of the design before proceeding into large-scale production. The decision to proceed into commercial production of the SST is not scheduled to be made by the United States until 1973. If at that time the environment or noise aspects of the production SST are assessed to be unacceptable, the program office would recommend cancellation.

Statement

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.

Response

SST program decisions have been based on the assumption that the SST is to be operated primarily on international, long range, over water flights. Even so, the SST market is estimated to be 500 aircraft which yields an economically attractive return on investment for the production program. Therefore, its economic success is not dependent upon supersonic flight over land.

The President and Secretary Volpe have said, "It is the unequivocal policy of this Administration that SSTs will not be operated in the United States at speeds which produce sonic booms on the ground."

The FAA issued a Notice of Proposed Rule Making on 16 April 1970 which formalizes this edict. In addition, a proposed law to this effect has recently been introduced in Congress and already passed by the Senate.

The results from the noise research program have a high degree of probability of providing the knowledge required to achieve the SST production noise objectives. This is true because the jet noise suppression technology to obtain this significant reduction is considered within the demonstrated art. We are hopeful that this noise research program will develop methods for achieving even greater reduction of noise levels than the current objectives require. The SST, in order to be a successful commercial air transport, must achieve noise characteristics compatible with the airports from which it will operate and cause no significant detrimental adverse affect to the world's environment.

Other potential polluting aspects of the SST will be examined in depth by established environmental panels prior to production decision.

Statement

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.

Response

The Department of Transportation budget provides money for rapid ground transport, airports and airways, and water transportation as well as the SST.

In the 1971 budget, $1.5 billion is programed for Airports and Airways with $5.0 billion planned over the next five years. For Ground Transportation $5.7 billion is budgeted for Highways and $3.1 billion for Urban Mass Transportation. Water Transportation has $420 million in 1971 with plans for construction of 30 merchant marine ships per year for over the next ten years. The funds requested for the SST for FY-1971, the peak funding year, represents only about 2.6% of the total transportation budget for FY-1971. Dollarwise it is not considered as a high priority program seeking national resources.

The SST program represents planning for the future, to avoid the problems of the 1980's. Better planning in the 1960's would have precluded many of today's problems. We can't let the short-sighted people of this country sacrifice our transportation future.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to my colleague from Wisconsin.

Mr. NELSON. Mr. President, I would just like to ask, once again, the same question I have asked five times on this floor. That question is, will any proponent, anyone, the Senator from Arizona, the Senator from Washington, or anyone, stand up on the floor and tell us why the White House has not released the scientific committee's recommendation, the committee headed by Dr. Richard Garwin?

The attack is continually made that there is no basis for criticism of the environmental implications. Why does not someone—I repeat the question I have just asked; Why does not someone stand up and give us the report made to the President by his own scientific committee.

Dr. DuBridge appointed a scientific committee to study the SST at the request of the President. It was headed by Dr. Garwin. Its report was presented, but it has never been released.

I ask him, "Why do you not tell the public? This is the taxpayers' money. It is an issue with worldwide implications."

A scientific report sits there in the hands of the White House. Why is it not here?

Dr. Garwin appeared before the House committee, he appeared before the Senate committee, and he recommended, "Stop the development of the prototype."

What is his language?

Dr. GARWIN. I would cancel the prototype program. I would go ahead with an enhanced research program, to look at these environmental matters.

Why does the head of the Scientific Committee recommend canceling the program, saying, "You have got to go ahead and study the environmental implications," when down here on the floor of the Senate the proponents are saying there is nothing to it?

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

Mr. NELSON. I yield for a question.

Mr. JACKSON. Why did not this particular scientist and other concerned scientists study propose studies of the environmental effects, if any, of supersonic military flights during the last 15 years?

Mr. NELSON. The military planes are owned by the Government. The question is, why did not the military sponsor a study of the implications of the sonic boom?

Mr. JACKSON. Why did not the scientists come before Congress and point out to the Congress these dangers that they allege apply to the SST, but are deathly silent about with respect to the military planes? Why did they not speak out?

Mr. NELSON. I suppose that scientists, like everyone else, when they are looking at a Government program, have to do such things on their own time. The question is not why did not some scientist in some university get a leave of absence, stop receiving his income, and say, "Now I am going out and study this

matter"; the question is, Why did not the Government, that sponsored the program, make the study?

Mr. JACKSON. Again I ask the question——

Mr. NELSON. Does the Senator from Washington mean to say that he is going to attack scientists all over the country because they did not take time off to study a project that the Government should have started studying 9 years ago?

Mr. JACKSON. What I am saying is that if their argument has any merit—and any American can understand this—if their argument has any merit, if it applies to the SST it applies to every form of supersonic plane, military or civilian.

Mr. NELSON. Mr. President, the Senator is talking on my time. Will he tell me where that scientific report is?

Mr. JACKSON. I am asking the Senator a question.

Mr. NELSON. I will tell the Senator where it is. The President appointed a scientific committee, selected by Dr. Dubridge, to study the question, and the committee comes out and says, "Do not build it."

Mr. JACKSON. Why does the Senator not answer my question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. Now we will never know.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I yield myself 20 seconds.

The PRESIDING OFFICER. The Senator from Arizona yields himself 1 minute.

Mr. GOLDWATER. One minute. Mr. President, in answer to the Senator's question as to why the Air Force did not do it, the Air Force conducted a 1-year study on the effect of the sonic boom on 16 different families living off the runways of Edwards Air Force Base. The report is available to any Senator who would like to read it. I mentioned that about a year ago.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. What is the remaining time? The clock says 9 minutes.

The PRESIDING OFFICER. One minute to the Senator from Nevada, 5 minutes to the Senator from Arizona, and 4 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I yield myself the remainder of my time.

Mr. President, we have been accused on the floor of delaying the conference report. We have spoken on the conference report for less than 9 hours. The fact is that from May 27 to after Thanksgiving, not for hours or days or weeks, but for 6 months, the Appropriations Committee held up the transportation appropriation bill. This was the longest time the Senate Appropriations Committee took on any appropriation bill by 4½ months.

Then, after the bill passed and after the Senate had registered its majority decisively against the SST, conferees were appointed, and they were not only in direct violation of the traditions of the Senate but also of the rules of the Senate.

The rules of the Senate are clear. The conferees should reflect majority opinion, and there is no question that mass transportation was not a divisive issue. It has taken very little time on the floor of the Senate or on the floor of the House. The divisive issue was the SST, and everybody knows it. It was the big environmental issue and the big priorities issue.

Those conferees reflected not a majority but a minority of the Senate.

Then the conferees went to conference and said the conferees tried hard to get an agreement. They came back in almost record time. Most conferences that are controversial take a week or 2 weeks or months. One of them took a year. This one took less than 1 day. They came back and recommended that the SST continue.

Mr. President, the only way we can get a vote up or down on the SST is to stop the conference report. If we are required to vote on the conference report, Senators will be constrained to vote on whether or not they want to go ahead with airport safety. They will be constrained to vote on whether or not they want to go ahead with highway construction and many other issues on which many would be constrained to go ahead, because the SST is indeed only part of this.

All we are asking is that the SST be taken out of this bill so that we can vote on it next year, when we come back; that the program be held up for 3, 4, or 5 weeks. That is all. We will be back here a few weeks from now. The present continuing resolution continues the SST until January 3.

Mr. President, I asked the Library of Congress to prepare a study of the votes on cloture. They told me this:

> An examination of cloture votes from 1917 until 1960 indicates extended debate before any cloture vote is held.

That was from 1917 to 1960. Since 1960, "with only a few exceptions, research shows that the Senate has traditionally allowed extensive debate on controversial measures before attempting to invoke cloture."

In the view of many of us, this is the most significant conference report and the most significant issue on priorities and on the environment to come before the Senate. To invoke cloture under these circumstances, it seems to me, is not permitting us to state our case fully and thoroughly.

I yield the floor.

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. GOLDWATER. I yield 5 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Arizona.

Mr. President, my remarks will be directed to the situation in which we found ourselves at this conference.

This was the case of a total deadlock between the House and Senate conferees. The House had had solid votes time after time, and certainly that is confirmed by their last vote of 319 in favor of this conference report and less than a hundred against it. There was a total deadlock.

I put the question to them: "What will you agree to?" They stood firmly on a direct mandate they had had the day before and said they stood on the House vote.

What are we going to do under those circumstances? A good deal has been said here about these conferees. I do not personally resent any of that, but there has been talk about selling out the Senate. Look at who some of them were.

There is the Senator from Maine, who had voted to knock out the SST, lock, stock, and barrel. There is the Senator from New Jersey. He did not sign the report as to this item, but he deliberated in this case. Here is the Senator from Colorado. Here is the Senator from Rhode Island, one of the most active Members at all conferences. He knows what he is doing. He knows the spirit of this conference. He did not sign as to this item. Not one thing has been said by them, publicly or privately, that this was anything less than a bona fide conference.

What are we going to do—come back and ask Senator GOLDWATER, Senator PERCY, or Senator FULBRIGHT or some other individuals what to do or what they will agree to? This is national legislation, in its last stages, for an entire department of the Government.

So what are we going to do? I determined that there was sentiment among Senators who voted to take it out that, after all, they did not mean to kill the program. I can mention names, if necessary. They did not want to kill this program, to stop it immediately. And that is what would happen if that one Senate vote should prevail as the final vote of the Senate.

One signed as a conferee, and that Senator can speak for himself, of course.

But I say, on my honor, that there was sentiment here among Members—and it will show up if we ever can get to a vote—among Members who voted to strike it all out, that they really did not mean to kill it.

So that was the spirit that gave us a new start in that conference.

I find that some of my colleagues cannot accept the fact that $105 million of this money already has been spent and it is therefore meaningless, except that we have an obligation of the Government upon which there could be judgment against the Government if we did not do it. So we put that $105 million in the House, and then they matched it for the remainder of this year.

There is a great sentiment that this thing has not been proved to be worthy of death, and I believe a vote here on this conference report will prove it. If it does not, I have nothing more to say about that figure.

I want to make clear that I am not going to vote for cloture. I am constitutionally opposed to it, unless a vital matter of national security is involved or something of equal importance.

But to say that this has not been a genuine conference or that there was a capitulation, that is not the fact, and it cannot be sustained; and one gentleman who made that charge was man enough to withdraw it.

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

Mr. BIBLE. Mr. President, the time remaining is short. Everything has been said again and again. I think the issue on the SST becomes a very clear one. Do Senators want to kill it and bury it or do Senators want to let it live? The program has now gone on 8½ years out of a total of 12 years. It is eight-twelfth of the way along, to where we will know what will happen to the environment and to the accusations that have been made and tossed around this Chamber time and again.

In defense of the conferees—and I was one of them—I think it was a tough and hard conference. The fact that it did not take days or weeks or months to resolve might be due to the fact that Christmas is less than a week away and the end of Congress only 10 days away. We had, in other words, to resolve the issue.

Mr. President, I yield the floor.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. STEVENSON). The Senate will come to order.

The hour of 11 a.m. having arrived, under rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 438 Leg.]

Aiken	Gravel	Muskie
Allen	Griffin	Nelson
Allott	Gurney	Packwood
Baker	Hansen	Pastore
Bayh	Harris	Pearson
Bellmon	Hart	Pell
Bennett	Hartke	Percy
Bible	Holland	Prouty
Boggs	Hruska	Proxmire
Brooke	Hughes	Randolph
Burdick	Inouye	Ribicoff
Byrd, Va.	Jackson	Saxbe
Byrd, W. Va.	Javits	Schweiker
Cannon	Jordan, N.C.	Scott
Case	Jordan, Idaho	Smith
Church	Kennedy	Sparkman
Cook	Long	Spong
Cooper	Magnuson	Stennis
Cotton	Mansfield	Stevens
Cranston	Mathias	Stevenson
Dole	McCarthy	Symington
Eagleton	McClellan	Talmadge
Eastland	McGee	Thurmond
Ellender	McGovern	Tower
Ervin	McIntyre	Tydings
Fannin	Metcalf	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Yarborough
Goldwater	Montoya	Young, Ohio
Goodell	Moss	
Gore	Murphy	

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). A quorum is present.

Mr. COTTON. Mr. President, a point of order. Some of us would like to keep a tally on the vote. We have not been able to do that on the last two or three votes because of the hum of conversation. I hope that we will be able to hear the responses.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator's point of order is well taken.

Mr. MANSFIELD. Mr. President, and no attachés sitting on the rugs, please.

The PRESIDING OFFICER. The majority leader's point is well taken.

The Chair will enforce rule XIX, which places a duty upon the Chair, without any points of order being made by Senators, to take the initiative in enforcing order and decorum in the galleries and in the Chamber.

The Chair will also enforce rule XXXIII which provides for the privilege of the floor to clerks to Senators only when in the actual discharge of their official duties.

The Sergeant at Arms will proceed forthwith to escort any and every Senator's clerk from this Chamber who is not here at this moment in the actual discharge of his or her official duties.

The Chair observes that during the rollcall vote, no clerk is needed in the Chamber or in the lobby in the actual discharge of his official duties.

The Chair, therefore, instructs the Sergeant at Arms to clear the Chamber and the lobbies of all clerks to Senators until the vote on this rollcall is announced.

The Chair will await the action of the Sergeant at Arms in carrying out the order.

Senators will please remain in their seats.

The Senate will be in order.

Mr. BIBLE. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Pursuant to rule XXII, a quorum call has been had, and a quorum is present. The question before the Senate now is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close? The yeas and nays are automatic.

Mr. BIBLE. Mr. President, a parliamentary inqury.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. BIBLE. Mr. President, I do not know whether this is a parliamentary inquiry, but I should like to ask whether it is proper to say that I greatly admire the Presiding Officer for his diligence in making this the quietest Chamber we have had in a long time prior to a rollcall vote. If that is not properly a parliamentary inquiry, I will withdraw it.

[Laughter.]

The PRESIDING OFFICER. The Chair thanks the senior Senator from Nevada.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia. (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

On this vote the Senator from Nebraska (Mr. CURTIS) and the Senator from Oregon (Mr. HATFIELD) are paired with the Senator from Colorado (Mr. DOMINICK). If present and voting the Senator from Nebraska and the Senator from Oregon would vote "yea" and the Senator from Colorado would vote "nay."

On this vote the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The yeas and nays resulted—yeas 43, nays 48, as follows:

[No. 439 Leg.]

YEAS—43

Allott	Gurney	Pell
Baker	Hart	Prouty
Bellmon	Hartke	Randolph
Boggs	Inouye	Ribicoff
Brooke	Jackson	Saxbe
Byrd, W. Va.	Jordan, Idaho	Schweiker
Cook	Long	Scott
Cooper	Magnuson	Smith
Cotton	Mathias	Stevens
Dole	McGee	Symington
Fannin	Metcalf	Tower
Fong	Moss	Tydings
Goldwater	Murphy	Yarborough
Gravel	Packwood	
Griffin	Pearson	

NAYS—48

Aiken	Goodell	Mondale
Allen	Gore	Montoya
Bayh	Hansen	Muskie
Bennett	Harris	Nelson
Bible	Holland	Pastore
Burdick	Hruska	Percy
Byrd, Va.	Hughes	Proxmire
Cannon	Javits	Sparkman
Case	Jordan, N.C.	Spong
Church	Kennedy	Stennis
Cranston	Mansfield	Stevenson
Eagleton	McCarthy	Talmadge
Eastland	McClellan	Thurmond
Ellender	McGovern	Williams, N.J.
Ervin	McIntyre	Williams, Del.
Fulbright	Miller	Young, Ohio

NOT VOTING—9

Anderson	Dominick	Mundt
Curtis	Hatfield	Russell
Dodd	Hollings	Young, N. Dak.

The PRESIDING OFFICER. The Chair will state most respectfully to our guests in the galleries that the rules of the Senate do not permit any demonstrations of approval or disapproval from the galleries. Visitors, therefore, are asked to please remain quiet after the vote is announced; else the galleries will be cleared.

On this vote, there are 43 yeas and 48 nays. Two-thirds of the Senators present and voting not having voted in the

affirmative, the cloture motion is rejected.

Mr. BYRD of West Virginia subsequently said: Mr. President, I voted earlier today in favor of the cloture motion.

During my service in this body, over a period of 12 years, I have been very reluctant to vote for cloture. My vote today in support of cloture was only the second time in these 12 years that I have voted for cloture.

I did not speak prior to the rollcall because I did not want it to appear that I was attempting in any way to influence the vote of any other Senator. But now that the rollcall has been taken and the result has been announced, I think I should explain for the RECORD why I voted for the motion to invoke cloture.

At the present time there are five appropriations bills which have not yet cleared the Congress and been sent to the President for his signature, and they are as follows:

H.R. 17755, the transportation appropriations bill;

H.R. 17867, the foreign assistance appropriations bill;

H.R. 18515, the Labor-HEW appropriations bill;

H.R. 19590, the Defense appropriations bill; and

H.R. 19928, the bill making supplemental appropriations for 1971.

In addition to these five appropriations bills which have not yet been enacted by Congress—although they have been to conference, and some of the conference reports are awaiting action in one body or the other—there is the bill which will make possible increased payments to recipients under the Social Security Act.

I feel that our elderly citizens are highly deserving of an increase in social security benefits in view of the spiraling rise in the cost of living, and they should not be forced to wait for that increase. They need the increase now.

I feel that all of the bills which I have mentioned should be enacted before this Congress adjourns sine die. Yet, Mr. President, we are confronted with a serious time problem.

If the Senate were not to meet on Sundays—and Sunday meetings would not be without precedent, as the Senate has met on Sunday heretofore—and if the Senate were not to meet on Christmas Day and were not to meet on New Year's Day, there would only be 10 days remaining for us in which to complete our work before January 3, 1971.

According to the schedule which has already been announced—which is a tentative schedule and not yet firm—the Senate is not expected to meet on next Wednesday or Thursday, the 2 days immediately preceding Christmas Day, or on Saturday, the day after Christmas. This means that, excluding Sundays, we would have only 7 days remaining before January 3, the date when, according to the constitution—unless otherwise changed by law—the new Congress would convene.

So, in view of this very difficult situation, Mr. President, our time being extremely limited, and the Senate being faced with so many appropriation bills needing to clear both Houses, I felt constrained to vote for cloture today.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, on the basis of the closed meeting of the Senate last night there was an agreement that a series of conferences would be held. They will start immediately. Some will be held in the office of the Secretary of the Senate, others will be held in the office of the majority leader, and others, hopefully, will be held elsewhere. I would hope that out of these conferences, maintaining the high tenor of the debate up to this time, it would be possible, as reasonable men, to arrive at reasonable solutions to difficult problems.

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

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

The PRESIDING OFFICER. The Senator has suggested the absence of a quorum. Does the Senator withhold his request?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Does the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I would like to call to the attention of the Senate that, as the distinguished majority leader has said, there was a meeting with the bipartisan leadership of the other body. Among other suggestions made to them, recognizing their restlessness and apparent feeling, was the suggestion that it would be helpful if they could remain in session as long as possible today, pending possible agreement on this side on some of the matters in controversy. We are also indicating to them today that if they can make a quorum on Monday and Tuesday next it would be appreciated.

Mr. MANSFIELD. May I say the joint leadership did meet with the Speaker and the joint leadership in the House this morning. We found them receptive, open minded, and considerate.

Hopefully, something can be done today. I agree with the distinguished minority leader that we may well be in session for some hours today in the hope that in the meantime something can be accomplished.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I would not ask the Senator to yield but what I have to say bears on the efforts to settle our problems. The vote we have just taken can be very misleading. I hope it will not mislead the proponents of the position—among them myself—against the SST. I think that the matter should be settled and I hope they will make every effort in a spirit of comity to settle it and not be deceived in respect of that purpose by the lopsided nature of this vote.

Mr. MANSFIELD. I am sure that will be the attitude which the Senate conferees will undertake to maintain on a Senate matter. We are hopeful that on the basis of progress, up to this time, little though it may be, further progress will be made.

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 ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

The Senate will be in order so that Senators can hear.

Mr. EAGLETON. Mr. President, I move that the conference report on the Department of Transportation appropriation be postponed until Monday, December 21. In making that motion it is not my intention to press it.

Mr. MANSFIELD. Mr. President, I would hope that the Senator would not press this matter. It is the intention of the leadership to stay on the pending business until approximately 3 p.m. under an agreement already in effect and unanimously approved by the Senate.

The Senator, of course, realizes any motion is debatable. I would hope that he would reconsider and give us this opportunity at this time to continue with the debate and related matters.

Mr. EAGLETON. I will not press the motion but I take it the motion is still pending.

The ACTING PRESIDENT pro tempore. Does the Senator withdraw the motion?

Mr. EAGLETON. Mr. President, I would like to speak on it, with the firm understanding that it is not my intention to press the contravention of the understanding previously agreed to.

Mr. MANSFIELD. Mr. President, could the Senator inform the Senate how long he intends to discuss this matter?

Mr. EAGLETON. At some length.

Mr. MANSFIELD. Would the Senator mind, without losing his right to the floor, yielding to other Senators to bring up noncontroversial matters or matters on which there is very little controversy, conference reports, and for others to make statements now and again?

Mr. EAGLETON. I have no objection to yielding to others for the transaction of business with the understanding that I do not lose my right to the floor and with the understanding that my resumption of the floor not be counted as a second speech.

Mr. BIBLE. Mr. President, if I may address the Senator from Missouri and the majority leader, I think we must have some understanding as to what length of time this will go on if the floor continues to be yielded for the purpose of calling up conference reports.

We are in a very difficult situation here. We all recognize it. We all have certain options and rights under the rules. Yesterday, in all good faith, I yielded, after conferring with the proper people, for what I thought was 10 minutes; 1 hour and 30 minutes later I still did not get the floor back.

I have no personal objection, but we must make headway and progress on

this overall problem. I am hopeful we may be able to do it as a result of the suggestions of the majority leader that men of good will can reason together and work matters out. I do not know, but I hope I would get some indication as to how long, in each case, the time limit would be.

Will the distinguished Senator and the distinguished majority leader be kind enough to advise me what that time limit would be? I am a reasonable man, and we could possibly come to an agreement, but I do not want to yield for 10 minutes and then, 1 hour and 40 minutes later find that I still do not have the floor.

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

Mr. BIBLE. Yes; if I have the floor.

Mr. MAGNUSON. I heard this morning that the opponents did not have time to explain their position. I think I might possibly have objected to the first unanimous consent that we have a split session, but I did not want to hold up a great deal of business. When we are trying to do the right thing and let legislation move, we are accused of trying to shut somebody off from discussing something. I think in all cases when we yield from this time on there should be a reasonable time limit.

Mr. RANDOLPH. Mr. President, who has the floor?

Mr. BIBLE. The Senator from Missouri (Mr. EAGLETON) has the floor.

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

Mr. EAGLETON. I yield for a question.

Mr. RANDOLPH. Mr. President, we have two conference reports, one on highways and one on rivers and harbors. These conference reports come with the approval of Members, both Democrats and Republicans, who served as conferees from this body with the House. Both measures as Senators know, have passed the other body and are now ready for prompt action.

I would be glad to go over until next week, if that is what Senators want, but I believe there is such intense interest in these matters that we might want to proceed. I want to be cooperative, and I ask the Senator from Kentucky (Mr. COOPER), the ranking minority member of the committee, if he believes we could complete debate on the highway conference report in 15 minutes.

Mr. COOPER. My statement can take 1 minute.

Mr. BIBLE. Mr. President, to move this matter along quickly, I make no objection if the Senate puts a 20-minute time limitation on it.

Mr. EAGLETON. Mr. President, I yield the floor with the understanding that upon my resumption of the floor it will not count as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. BIBLE. With the further understanding that the yielding is for 20 minutes.

Mr. EAGLETON. Twenty minutes.

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

Mr. RANDOLPH. Mr. President, that is 20 minutes on the highway conference report.

Mr. BIBLE. And on the next one?

Mr. RANDOLPH. Fifteen minutes.

Mr. BIBLE. Let us say 30 minutes. I have no objection to 30 minutes on both.

Mr. EAGLETON. Mr. President, I have no objection, with the same understanding that on my resuming the floor, the resumption of my remarks will not be counted as a second speech.

Mr. BIBLE. And that the total for the two conference reports is 30 minutes.

Mr. EAGLETON. That is fine with me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the Senator from West Virginia is recognized.

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

Mr. RANDOLPH. I yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senator from Missouri (Mr. EAGLETON), could I be recognized for 15 minutes after the distinguished Senator from West Virginia completes his remarks, without his losing his right to the floor, or having anything he says counted as a second speech, or whatnot?

Mr. EAGLETON. Mr. President, with that understanding, I am delighted to yield an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FEDERAL-AID HIGHWAY ACT OF 1970—CONFERENCE REPORT

Mr. RANDOLPH. 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. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

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

The ACTING PRESIDENT pro tempore. 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. 17, 1970, pp. 42257–42266, CONGRESSIONAL RECORD.)

Mr. RANDOLPH. Mr. President, may we have order, please?

The ACTING PRESIDENT pro tempore. The Senate will be in order. If Senators want to continue their conversations, they will please go in the cloakrooms or elsewhere. The Senate will be in order.

Mr. RANDOLPH. Mr. President, I hope the time is not running against me.

The ACTING PRESIDENT pro tempore. The time is not running against the Senator and will not until the Chair gets order.

The Senator from West Virginia is recognized, and the time has now begun to run.

Mr. RANDOLPH. Mr. President, the conference committee on the Federal-Aid Highway Act of 1970, which completed its work Thursday, met on 9 days in an effort to resolve the differences in the bills passed by the Senate and House. The report was approved in the House yesterday by a vote of 39 to 11. While several similar provisions appeared in both versions, there were many other sections reflecting deep differences of viewpoint and philosophy.

The conference was marked by hard bargaining complemented by a spirit of cooperation and the desire to produce legislation that would further the proper development of our national highway program.

I believe we achieved the goals we sought with equitable resolutions.

At this point I wish to pay tribute to Representative GEORGE H. FALLON, chairman of the House Public Works Committee, who served as chairman of the conference. Representative FALLON, who retires at the end of this session, along with our distinguished colleague, Senator ALBERT GORE of Tennessee, was instrumental in bringing into being the accelerated interstate highway construction program, which we extend in this act.

I wish the Senator from Tennessee (Mr. GORE) might be on the floor at this time, because I shall briefly, but very earnestly, express my tribute to ALBERT GORE, who leaves the Senate at the end of this term. It was under his leadership that we were instrumental in bringing to passage the Interstate Highway construction program.

Mr. FALLON exhibited great patience and leadership in achieving the compromises which resulted in the bill we are considering today.

Principal among the differences which existed when the conference began were questions of using revenues from the highway trust fund for other than construction purposes and those problems concerned with the building of interstate highways in the District of Columbia.

The bill as reported by the conferees provides for the continuation of the Federal highway program on an orderly basis. Authorizations for the Interstate System are extended for 2 years, through fiscal year 1976, as provided in the Senate bill. The conferees recognized that this extensive program will not be completed by 1976 and that additional authorization will be required. The House bill called for completion of the system by 1978, and contained the authorization to do so. In agreeing to the Senate approach, the conferees acknowledged that further review of the program will occur in 1972 and consideration will have to be given to extending the interstate program. At that time we will have the benefit of a new cost estimate on which to base our revised judgment as to the final completion date.

As the Senator from Kentucky will recall, when that program was envisaged at the outset, even those who were expert in this field thought that the total Federal cost of the National System of Interstate and Defense Highways, would run to approximately $27 billion. The current revised figure for that system anticipates a cost of approximately $70 billion. Substantial increase in the costs of rights-of-way, wages, and materials all have made this larger estimate, and even it will perhaps have to be raised to the figure we must face in the future.

Authorizations for the Interstate System are maintained at the existing level of $4 billion a year. Other trust fund expenditures totaling $1.896 billion for 1972 and $1.914 billion for 1973 are authorized. General fund authorizations total $413 million for 1972 and $422.5 million for 1973.

Programs for the primary and secondary systems and their urban extensions are authorized at a level of $1.1 billion for each of the 1972 and 1973 fiscal years. The special primary-secondary program adopted in 1968 is authorized at $125 million for each of these 2 years. The traffic operations program to increase capacity and safety—TOPICS—is authorized at $100 million annually for the 2 years.

Also of great concern to the conferees is the problem now being faced by States which are nearing completion of their portions of the Interstate System. To assure that these States can maintain an ongoing highway program in the face of possible reduced interstate allocations, the conference bill provides that each State will receive a minimum of one half of 1 percent of the total National Interstate authorization. Also adopted was the Senate provision directing the Secretary of Transportation to study this problem and make recommendation to the Congress by January 1972, on how it might best be resolved. I emphasize the importance of careful development of this report and its prompt presentation to the Congress.

Among the major innovations of the 1970 legislation is the creation of an Urban Highway System. This was proposed in both the Senate and House bills, and is the first new system created since the Interstate System was authorized in 1944. The final form contains only variations in technical language.

Establishment of the Urban System is an important step in responding to the traffic movement requirements of our metropolitan areas, where large numbers of American people live and travel. Implementation of this system will involve local public officials in the planning and execution of arterial highways within their area.

Recognizing the need for increased Federal participation in our Federal-State road program, the Senate conferees accepted House language providing for a 70 percent Federal share of the cost of highway construction starting in 1974.

The Senate approach to equal employment opportunity training programs was adopted and authorizations of up to $5 million for each of 1972–73 were approved to implement this important work.

To improve the utilization of highways as a mass mover of people, the conferees agreed to the House provision authorizing construction of exclusive or preferential bus lanes, highway traffic control devices, and bus passenger loading areas and facilities. This action was taken in conjunction with approval of a provision from the Senate bill establishing the construction of fringe and corridor parking as a permanent part of the highway program. Such action, the conferees believe, will improve the efficiency of highways as a means of transportation.

A highway program for the Virgin Islands, Guam, and American Samoa is authorized at a level of $2 million each for the Virgin Islands and Guam and $500,000 for American Samoa for each of the 3 years beginning with fiscal year 1971.

A program of training and research fellowships to upgrade the skills of Federal and State highway departments personnel, as included in the House bill, was adopted by the conferees.

The Secretary of Transportation is directed to report to the Congress by January 1972, and make recommendations on the future direction of the Federal highway program in the period 1976 to 1990.

Proposals concerning highway beautification proved to raise some of the most difficult and controversial questions faced by the conference. The final action on beautification reflects the only basis upon which agreement could be reached.

Appropriations for the beautification program are authorized from the general fund for a 3-year period rather than from the trust fund. It was agreed that a Highway Beautification Commission would be established consisting of four members from each of the Senate and the House and three public members to be appointed by the President. The Commission is directed to study the highway beautification program and make recommendations as to how it might be more effectively implemented and to recommend legislative changes to carry out an effective program.

The conferees stress that creation of the Commission should in no way delay the implementation of the existing beautification program. This desire is underlined by the 3-year authorization contained in the bill.

Senate language to facilitate the demonstration of billboard removal by acquiring all of the nonconforming signs on a company-by-company basis was not adopted because the conferees felt existing law already adequately provides for such programs. We hope that the Department of Transportation will utilize the money provided in the 1971 Appropriation Act to test the validity of this approach.

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

Mr. RANDOLPH. Yes, I yield to the knowledgeable Senator from Utah, who has given particular attention to this problem with his own legislation, S. 1442, which has been before our Subcommittee on Roads and enacted by the Senate.

Mr. MOSS. I appreciate the chairman's yielding to me.

I, of course, have served under his chairmanship for a number of years on the Public Works Committee. While I was serving there, I had to do particularly with the matter under discussion, the matter of billboard removal.

It will be recalled that Congress adopted in 1965 the Highway Beautification Act, Public Law 89–285, which had in it the requirement that signs and billboards adjacent to the interstate and primary highways be removed by July 1, 1970. But since that time, there has been great difficulty in getting this accomplished.

In 1969, I introduced a bill (S. 1442) which was heard in the Public Works Committee and passed by the Senate, to provide for pilot control programs. That bill, having passed the Senate, was sent to the House of Representatives. The House, in considering the bill, determined that it could deal with this matter of signs in the omnibus highway bill. The House report on the conference now under consideration says, as shown in the RECORD of December 17:

> The specific demonstration project authorized in the Senate amendment has been deleted since existing law, in the opinion of the conferees, already authorizes this type of demonstration project.

I am told that it is the opinion of the Department of Transportation, and I want to ask the chairman if it is the opinion of the Senate conferees as well as the House conferees, that, indeed, under the authority now in existence, the type of demonstration projects envisioned by that bill (S. 1442) can indeed be carried out.

Mr. RANDOLPH. Yes; we felt so, because we are cognizant of the problems of small business. We are cognizant, of course, of the need to make our highways as scenic as possible, and these programs can, and I think will, move forward. There is no lack of appreciation on the part of the conferees for the approach of the Senator from Utah, and what he has said is correct.

Mr. MOSS. The Senator has the feeling that the Department now has the authority, and can proceed under existing law in the manner that would have been provided had S. 1442 been passed by the House of Representatives as well as the Senate?

Mr. RANDOLPH. I reassure my colleague that we think that would be true, and we will watch what is done.

Mr. MOSS. Mr. President, I ask unanimous consent that an excerpt from the report (No. 91–520) filed by the chairman of the committee on S. 1442 be printed in the RECORD at this point. It is not very lengthy.

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

SUMMARY OF THE BILL, AS AMENDED

S. 1442, as amended, would authorize the Secretary of Transportation to enter into agreements with one or more States for the purpose of carrying out pilot programs to determine the best means of accomplishing the purposes of the control of outdoor advertising provisions of section 131 of title 23, United States Code.

As amended by the committee, the bill provides that preference would be given to any State which has entered into agreements with the Secretary and private individuals or businesses designed to carry out outdoor advertising control as provided for under present law.

The bill would authorize the appropriation of $15 million to fund such pilot programs.

The Secretary would be directed to report to the Congress the results of pilot programs carried out under this legislation, together with such recommendations as he deems necessary to improve the implementa-

tion of the national policy of outdoor advertising control.

BACKGROUND OF THE PRESENT OUTDOOR ADVERTISING CONTROL PROGRAM

The enactment of Public Law 89–285, the Highway Beautification Act of 1965, established as a national policy that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate and Primary Systems should be controlled.

In carrying out that policy, the law stated that after January 1, 1968, if a State was not effectively controlling the erection and maintenance of outdoor advertising signs, the Secretary could withhold up to 10 percent of Federal-aid funds from the State. Effective control was defined to mean that after January 1, 1968, signs within 660 feet of the right-of-way would be restricted to three categories: (1) Directional and other official signs conforming to national standards promulgated by the Secretary; (2) signs advertising the sale or lease of the property on which located; and (3) on-premise signs.

The legitimate needs of business were recognized by providing that advertising signs, displays, and devices along the interstate and primary systems would be allowed in zoned and unzoned industrial and commercial areas subject to size, lighting, and spacing control, such control to be consistent with customary use of such signs in such areas in the particular spaces involved. Control of signs in zoned and unzoned industrial and commercial areas was to be determined by an agreement between the Secretary and the State.

Signs lawfully in existence as of September 1, 1965, which did not conform to requirements of the act, would not be required to be removed until July 1, 1970.

Specific travelers' service information signs within the right-of-way were authorized.

Just compensation was required for the taking of any sign and for the taking from the owner of the real property on which the sign is located the right to erect and maintain such signs. The Federal share of such compensation was set at 75 percent.

All public lands and reservations of the United States were made subject to effective control. States were permitted to establish controls which would be more restrictive than Federal requirements.

The act also required that, prior to the promulgating of standards, criteria, rules, and regulations necessary to carry out the outdoor advertising provisions, the Secretary was to hold public hearings in each State for the purpose of gathering relevant information on which to base such standards, criteria, rules, and regulations. A report to the Congress by January 10, 1967, on all the standards, criteria, rules, and regulations to be applied together with an estimate of the cost of carrying out the program was also requested.

The requested report was filed with the Congress and published as Senate Document No. 6, 90th Congress, first session. That report estimated that the cost of removing nonconforming outdoor advertising devices, some 889,000 signs, at $558,660,000.

As enacted, the Highway Beautification Act of 1965 authorized the appropriation of not to exceed $20 million for each of the fiscal years ending June 30, 1966, and June 30, 1967. During 1967, the Committee on Public Works considered and the Senate adopted S. 1467 which would have authorized $5 million to carry out the advertising control program for fiscal year 1968. The House did not act on the measure.

The Senate version of the Federal-Aid Highway Act of 1968 authorized $5 million for each of the fiscal years 1970 and 1971. As enacted by the Congress, Public Law 90–495 provided an authorization of $2 million for fiscal year 1970. In addition that act delayed the required removal of signs, displays and devices if Federal funds to pay the Federal share of the just compensation were not available.

Of the $42 million authorized for the program, less than $3 million have been appropriated and only $1.9 million expended. Most of the funds were expended on the sign inventory conducted prior to the cost estimate filed with the Congress in January, 1967. To date, no nonconforming signs have been removed as a result of the Highway Beautification Act of 1965.

Following the enactment of the 1965 act through July 1, 1969, 33 States enacted legislation relating to outdoor advertising control:

Alaska, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky.

Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, New Hampshire, New Mexico, New York, North Carolina.

North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, Wyoming, District of Columbia, Puerto Rico.

During the same period, 19 States, the District of Columbia, and Puerto Rico entered into agreements with the Secretary to effectuate control of outdoor advertising as provided for in the act.

HEARINGS

On June 18 and 19, 1969, the Subcommittee on Roads conducted hearings on the highway beautification program. The committee had before it two bills: S. 561, a bill to amend section 131 of title 23 of the United States Code; and S. 1442, a bill to amend sction 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section.

Testimony was received from 11 witnesses, and statements on behalf of three organizations were submitted for inclusion in the record of the hearings.

Testimony at the hearings indicated quite clearly that small and medium-sized firms engaged in outdoor advertising were being severely harmed by the failure of Congress to properly fund the program and require its active implementation.

NEED FOR AND PURPOSE OF THE LEGISLATION

While dissatisfaction with the outdoor advertising program enacted in 1965 has been expressed by many people concerned with the program, such as conservationists, sign company operators, advertisers, citizens generally, and Members of the Congress, the law has been in effect since October 22, 1965, and action has been in effect since October 22, 1965, and action has been taken by States and private parties in light of the requirements of the law. The effect of the legislation to date has been to introduce great uncertainty into the operations of small- and medium-sized sign companies doing business in predominantly rural areas and to increase rather than reduce sign clutter along the Nation's highways. This latter effect is the result of the inability of many small- and medium-sized operators to properly maintain their signs.

Testimony presented to the Subcommittee on Roads by Senator Frank E. Moss of Utah, the author of S. 1442, shows that of some 22 sign companies operating in his State 17 face bankruptcy within the next year "if the present Federal and State laws are enforced without providing needed financing for the beautification program."

Under the present situation, the law prohibits the erection of signs along the Interstate and Primary Systems outside of zoned and unzoned industrialized and commercial areas. It requires the eventual removal of existing nonconforming signs; that is, signs located in rural areas outside of the excepted zones, even though lawfully erected at the time of the enactment of the 1965 act. The sign companies involved have been unable to properly finance their ongoing operations and have been unable to liquidate the investment in order to go into other commercial activities. In effect, the current situation involves the subsidization of a supposedly Federal program by private businesses to which the law promised just compensation for loss and sign removal to carry out the national policy set forth in section 131 of title 23 of the United States Code.

In view of the substantial amount of money involved in sign removal, which the 1967 cost survey estimated in excess of $500 million, new methods and new means of carrying forward the outdoor advertising control program must be found. At the same time steps must be taken to assist adversely affected sign companies to leave a declining industry and start again in some new endeavor.

It is the committee's understanding that the Department of Transportation is currently reviewing the highway beautification program in order to make recommendations for new approaches. In the meantime it is important that the Congress authorize pilot programs which can demonstrate other methods of securing sign removal at costs less than those estimated in the Department of Transportation's 1967 report. One such idea was presented to the committee in some detail during its hearings, the plan referred to as the "Utah plan," or the "Snarr plan," which envisions the State acquiring by contract all the nonconforming signs of a company at one time and provides that the company will dismantle and remove such signs in accordance with a predetermined schedule. This approach would replace the sign-by-sign method of removal on which the 1967 cost estimate was based. Evidence presented to the committee by the Department of Highways of the State of Utah and Brigham Young University indicated that a savings of between one-half and two-thirds of the cost as originally forecast can be realized.

The plan which the Committee on Public Works urges the Department of Transportation to fund, in addition to others which may be devised, requires that—

(1) The State appraise all the nonconforming signs of a single company within its boundaries in accordance with already established and approved appraisal procedures and techniques;

(2) A contract be entered into between the State and the sign company for the purchase of all the company's nonconforming signs within the State;

(3) Such contract contain an agreed-upon price for all such signs and contain a schedule setting forth the date upon which each sign is to be removed (for the State of Utah it is estimated that the 10,000 nonconforming signs presently located along the Interstate and Primary System could be removed at the rate of 2,000 per year).

This program would enable sign companies to phase out their operations while using existing employees and plant equipment to do the job. It would insure that nonconforming signs would be removed by their owners rather than abandoned when the companies cease to be able to function as profitable concerns. Such abandonments would of course add to the burden of the State in implementing the program.

Adoption of S. 1442 and the implementation and execution of pilot projects designed to test various methods of implementing the outdoor advertising control program would not conflict with that program as enacted

in 1965 or as amended in the interim. It should provide valuable information to the Department of Transportation and the Congress in considering legislation to improve the program. It would enable outdoor advertising companies which have been damaged by the program to phase out their operations pending a final determination by the Congress as to the future of the highway beautification program. Such pilot programs will enable those States which are desirous of actively pursuing outdoor advertising control programs to develop more effective methods of achieving their goals.

Mr. RANDOLPH. Both the Senate and House conferees agreed that steps must be taken to determine which sections of the Interstate System will or will not be constructed. A number of segments of the system are currently embroiled in controversy so that their ultimate fate is unknown and planning for completion of the system is hampered.

In addressing itself to this problem, the bill requires that States establish expenditure schedules by 1973 on all interstate segments they intend to construct. Plans, specifications and estimates for all of these segments must be filed by 1975. Failure to meet either of these deadlines will result in affected interstate segments being eliminated from the system. Only by such procedures can the highway decisionmaking process be brought to a head and final determinations made on the Interstate System.

The experience gained under the highway program of the Appalachian regional development program and title V of the Public Works and Economic Development Act of 1965 was utilized in writing the section dealing with economic growth center highways. This section permits the Secretary of Transportation to designate communities as economic growth centers and to provide additional Federal participation in the construction of primary highways serving them. The Secretary could provide an additional 20 percent of the construction cost, but Federal participation would be limited to a maximum of 95 percent of the total expenditure.

The most controversial sections of the two bills were those relating to the construction of interstate highways in the District of Columbia. Senate and House provisions were different, and arriving at a conference agreement occupied considerable time and discussion.

Behind the original positions of both Houses were strongly held convictions: the Senate—that the District of Columbia should be treated as a State, as the highway law provides, in determining the construction of highways; the House—that nonconstruction in the District of Columbia has seriously delayed completion of the Interstate System.

The conference decision, I believe, was the only one we could reach to avoid an impasse that would have imperiled the national highway program. It is a reasonable compromise in that there is no mandating of freeway construction in the city. The studies which the bill directs in an effort to determine the best way to resolve this very difficult program could be carried on without specific authorization.

The coordination of our total national transportation system will be furthered by the bill's provision that priority consideration be given to roads providing access to airports and water ports.

The problem associated with upgrading several toll roads on the Interstate System was addressed by the conference in agreeing to a provision permitting the use of Federal funds to reconstruct two-lane toll roads that have been designated part of the Interstate System even though the States have not yet acquired ownership of the roads. Restrictions prohibit the toll authorities from incurring additional debt and require that these roads be made free when existing indebtedness is retired.

One of the most important sections of the report improves the machinery to make the highway program more responsive to public needs and wishes. The Senate considered improvements in the public hearing process to be a central feature of this year's highway legislation, and I am glad to report that our approach generally was adopted by the conference.

Public hearings are now required on both the location and design of new Federal-aid highways. The conferees agreed on provisions requiring that reports to the Secretary of Transportation on the consideration given to economic, social, and environmental aspects of highway construction raised at the public hearings be filed following all public hearings.

This, I believe, will lead to a more effective critical analysis and consideration of proposals raised at hearings. It should do much to answer persistent public criticism that little or no attention is given to questions raised at hearings. Through this section we can be sure that in the hearing process, the appearance of fairness is buttressed by the reality of fairness.

Provisions to improve consideration of economic, social, environmental and other impacts in highway design and construction were expanded by the conferees to implement our belief that highways should enhance communities rather than degrade them. Proper design and engineering practices can, in many instances, avoid, overcome or minimize adverse impacts on people and their surrounding environs.

In direct response to an extremely troublesome problem, the report calls for the issuance of guidelines to control soil erosion in connection with highway construction projects. This action expands provisions of the 1966 Highway Act which required consultation between the Departments of Transportation and Agriculture on developing such guidelines. Far too many highway projects result in uncontrolled water runoff that spreads silt over large areas and clogs streams, damage that can be prevented through the employment of sound conservation practices.

The report directs the Secretary to promulgate guidelines to assure that all possible adverse economic, social, and environmental aspects of roadbuilding be fully considered and that plans, specifications, and estimates include the best engineering methods of avoiding them. This section when fully implemented will establish the proper responsibility of highway builders in protecting our environment and people. It also requires that noise level standards be established and highways be constructed in conformity with them.

In addition, the conference report assures the implementation of the ambient air standards of the Clean Air Act.

Continuing our desire to develop an integrated transportation system, the report calls for the designation of critical transportation regions. This provision was sponsored by the Senator from Kentucky, JOHN SHERMAN COOPER.

The Baltimore-Washington Parkway carries a heavy load of traffic, far beyond that which it was originally designed to accommodate. It is in urgent need of improvement. The report authorizes the expenditure of $65 million to reconstruct the Federal parkway portion of this important highway link in Maryland after which the road will be turned over to the State for incorporation in its highway system.

Highway safety continues to be an important part of our overall effort and the conferees agreed to the changes in the Highway Safety Act proposed by the House with modification. The safety program was given increased financial strength by authorizing two-thirds of its cost to be taken from the Highway Trust Fund and one-third remaining a general fund expenditure. This breakdown reflects the proportion of use of Federal-aid and non-Federal-aid highways.

The Nation has become acutely aware in recent years of the need to replace a number of highway bridges that are no longer capable of carrying the traffic loads placed on them with safety and efficiency. The conferees agreed to a comprehensive bridge replacement program, authorizing $100 million for the 1972 fiscal year and $150 million for the 1973 fiscal year. Bridges would be scheduled for replacement on the basis of priority established by the Secretary of Transportation, with Federal participation of up to 75 percent of the cost.

A serious safety problem was recognized by the conference in adopting House provisions setting up a demonstration program on the elimination of highway-railroad grade crossings.

Finally, the conference report extends the highway trust fund for an additional 5 years as recommended by the House Ways and Means Committee and agreed to by the Senate Finance Committee.

Mr. President, the Federal-Aid Highway Act of 1970, is comprehensive and far-reaching legislation. In fiscal terms, it is substantial, providing additional authorizations from the trust fund of $9.775 billion for the Interstate System and more than $3.8 billion for other purposes, and $835 million from the general fund. I ask unanimous consent that tables showing the authorization categories be printed in the RECORD at this point.

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

AUTHORIZATIONS H.R. 19504

[Interstate System: $9,775,000,000,000 for fiscal years 1974, 1975, and 1976, out of the Highway Trust Fund]

Category	Fiscal year 1972	Fiscal year 1973
HIGHWAY TRUST FUND AUTHORIZATIONS		
Primary and secondary systems and their ubran extensions	$1,100,000,000	$1,100,000,000
Primary and secondary systems exclusive of their urban extensions	125,000,000	125,000,000
Federal-aid urban system	100,000,000	100,000,000
Traffic operations projects in urban areas	100,000,000	100,000,000
Forest highways	33,000,000	33,000,000
Public lands highways	16,000,000	16,000,000
One-half of 1 percent of total apportionment	55,000,000	55,000,000
Economic growth highways	50,000,000	50,000,000
Baltimore-Washington Parkway	[1] 65,000,000	
Highway safety	50,000,000	66,666,000
Highway safety research	46,666,000	71,666,000
Highway safety design	20,000,000	20,000,000
Design research	6,666,000	6,666,000
Bridge replacement	100,000,000	100,150,000
Railroad grade crossings	[1] 9,000,000	
Totals	1,802,332,000	1,844,148,000
Total (funds to be available until expended)	74,000,000	

Category	Fiscal year 1972	Fiscal year 1973
GENERAL FUND AUTHORIZATIONS		
Forest development roads and trails	$170,000,000	$170,000,000
Public lands development roads and trails	5,000,000	10,000,000
Park roads and trails		30,000,000
Parkways	20,000,000	20,000,000
Indian reservation roads and bridges	30,000,000	30,000,000
Highway beautification, administrative expenses	[2] 1,500,000	[2] 3,000,000
Landscaping and scenic enhancement (sec. 319(b))	1,500,000	10,000,000
Territorial highways	[3] 4,500,000	[3] 4,500,000
Darien Gap Highway	[1] 100,000,000	
Outdoor advertising control	[4] 20,500,000	[4] 50,000,000
Junkyard control	[5] 3,000,000	[5] 5,000,000
Urban transportation planning	[1] 500,000	
Highway safety	20,000,000	33,333,000
Research	23,333,000	43,333,000
Design safety	10,000,000	10,000,000
Design research	3,333,000	3,333,000
Railroad grade crossings	[1] 22,000,000	
Totals	412,666,000	422,499,000
Total (funds to be available until expended)	22,500,000	
Total, General fund authorization for fiscal 1971	36,000,000	

[1] Funds to be available until expended.
[2] $1,500,000 also authorized for fiscal year 1971.
[3] $4,500 000 also authorized for fiscal year 1971.
[4] $27,000,000 also authorized for fiscal year 1971.
[5] $3,000 000 authorized for fiscal year 1971.

Mr. RANDOLPH. In substantive terms, the new Urban System, the facilitation of more responsive public hearings and the emphasis on the need for the highest caliber design and construction techniques to protect our environment make this bill one which I am proud to present for approval to my colleagues. This legislation is in keeping with the tradition established by our predecessors and in many ways should remind my distinguished colleague from Tennessee (Mr. GORE), to whom I have already paid tribute, that the standards which he set in the mid-1950's in his handling of the basic interestate legislation are being maintained.

Members of the Senate Public Works Committee were faithful in their attendance and diligent in their participation at conference sessions.

The Senator from North Carolina (Mr. JORDAN) brought to us his experience as a seasoned legislator and his wisdom in producing reasoned legislation. The Senator from New Mexico (Mr. MONTOYA) was particularly forceful in presenting the case for provisions relating to additions to the Interstate System. The Senator from Virginia (Mr. SPONG) was an effective negotiator for resolution of differences on the highway safety program.

Minority conferees from the Senate contributed significantly and by their attitudes and cooperation showed once again that party affiliation has no meaning in the Senate Committee on Public Works. The distinguished Senator from Kentucky and ranking minority member (Mr. COOPER) focused his concern and abilities especially on the highway beautification and District of Columbia problems. Reasoned judgment and forceful advocacy was displayed throughout the conference by the Senator from Delaware (Mr. BOGGS). The ability of the Senator from Tennessee (Mr. BAKER) to see issues clearly and to delineate the paths to resolution was invaluable. His help in fashioning the provision to demonstrate that highways are an important tool for economic development was outstanding.

Mr. President, the Senate could not have been represented in this conference by a more dedicated team.

We urge the acceptance by the Senate of this conference report.

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

Mr. RANDOLPH. I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I want to pay special tribute to the chairman of the Committee on Public Works. I know that it is not an easy job to reconcile the differences between the two Houses. The fact that he has been willing to do this in the manner contained in the conference again exhibits the type of leadership he has given to the entire committee.

I want to offer a particular note of thanks to him for recognizing the plea of some of our citizens in southern Indiana that the Markland Dam continue to have the authorized funds for a bridge over the Ohio River. I know that without the Senator's help, this would not have been possible; and this is a very worthwhile cause.

Having been there, and being very familiar with this, and knowing the tremendous effort that has been devoted to it by the citizens who live in that area, I want to offer a word of thanks in their behalf to our distinguished committee chairman, in addition to the other fine work he has done.

Mr. RANDOLPH. Mr. President, often, in bills that are national in nature, opportunities are given to conferees to accept something that might be provincial; but that provincialism takes the posture of helping a situation at a certain locality in the United States. That is what we did with respect to the matter which has been spoken of by the Senator from Indiana. We were glad to do it, and I am grateful for his words.

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

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, we have before the Senate the final form of a bill—the Federal-Aid Highway Act of 1970—which I believe is generally approved by Congress and by the people of the United States.

Some sections in the bill have aroused controversy. I may say, however, that in our deliberations with the House, the Senate conferees, led by our able chairman, the distinguished Senator from West Virginia, made a strong fight to improve some of the sections—not only those from the House which we did not like, but also in some that came from our committee.

There are several sections in this bill which are of new interest and I think, great importance. Safety on the highways is one of the tragic problems of our time. More than 50,000 Americans were killed last year on the highways, and thousands more were injured. For the first time, the House agreed to the proposal, which the Senate made in 1968 and which the administration recommended this year, that the highway safety program for the Nation, which is under the supervision of the Department of Transportation, shall be funded from the highway trust funds. Heretofore, such moneys as could be secured came from general appropriations. I believe that with the provision in this bill to provide the two-thirds of the safety funds from the highway trust fund, we now can embark on an adequate safety program. For that reason alone, I think this bill is worthwhile.

I pay tribute to our chairman for his insistence that a Federal-Aid urban highway system be established. That highway system will now be established and funded, and we hope it will help relieve the traffic problems and better serve the needs in cities of more than 50,000 population, as the bill provides.

There is a provision in the bill, new section 109(h) of title 23, which provides that standards and guidelines shall be established to govern each project—standards which take into consideration the economic, social, and environmental problems. That, I believe, will assure that projects undertaken in our great highway system will not be initiated without

a thorough review of their effects. This is a change in emphasis, and a very worthwhile one.

I am very pleased that the bill retains, as a new subsection (b) of section 134 of title 23, the provision I offered in the Senate enabling the Secretary of Transportation to designate critical transportation regions and critical transportation corridors. He may establish planning bodies, and provide them assistance, to undertake coordinated intermodal transportation planning for these critical interstate corridors between great urban centers. I note that section 134 now provides for similar planning embracing various modes of transport, but is presently limited to the urban areas themselves. While the conference bill leaves discretion with the Secretary of Transportation, I consider it of the greatest importance that such planning be undertaken and vigorously pursued without delay. I hope very much that the Secretary, who has authority to designate critical transportation regions and to pursue coordinated transportation planning under this provision, will seize the opportunity to implement this provision and begin this work early next year.

Our committee, for the first time, provided assurance of "marine highways"—ferry boats—to the new States, Alaska and Hawaii, and improved roads for the Virgin Islands, Guam, and American Samoa. The people of Alaska and Hawaii should know of the interest of their Senators, of their steady appeal to the committee, which has had results.

The question of the District of Columbia highways arose again. I still consider, as I have for years, that the Congress should not attempt to lay out a highway system in the District of Columbia. On our side, we strove diligently to bring some order to this problem; to put full responsibility back where it belongs, with the officials and people of the District of Columbia. We held out as long as we could for the Senate provision, to repeal section 23 of the 1968 act. There was no sign by the House of accepting the Senate provision, and we have ended our work. Perhaps the courts will now look at the proposed District of Columbia highway system. We cannot do it legislatively with any success.

I thank my chairman, the Senator from West Virginia, and every member of the committee. I see a number of them in the Chamber. I also thank our staff. It was a pleasure to work with them on a bill with many improvements over the present program.

Mr. President, 2 years ago when the Senate considered the Federal-Aid Highway Act of 1968, I stated that the Senate-House conference had been the most difficult in wnich I had ever participated. The conference report before us today, on the Federal-Aid Highway Act of 1970, is the result of a Senate-House conference which was of equal if not greater difficulty, but this has been a Congress of many arduous conferences.

In 1968 I did not sign the conference report and voted against final passage of that bill. I have signed the conference report this year and I will vote for final passage of the 1970 Highway Act despite some reservations about certain provisions of this legislation. I support its enactment because the bill contains several very important sections which were part of the Senate bill. These sections have not received the public attention which the beautification and District of Columbia highway provisions have, but they will have highly significant impact on the future direction and conduct of the Federal-aid highway program.

The Senate bill extended authorization of appropriations for interstate highway construction for 2 additional years, beyond the existing authorization through fiscal year 1974. The authorization for fiscal year 1974 is raised to $4 billion, an increase of $1.75 billion over existing authorizations for fiscal year 1974. For fiscal year 1975 and 1976 a total of $8 billion is added, bringing the total of funds authorized in this bill for construction of the Interstate System to $9.75 billion. This is consistent with the request of the administration for funding this program, and I am gratified that the conference agreed to maintain the Senate's position.

In a related area, the conference version contains a title III extending the Revenue Act, which provides funds for the highway trust fund, for 5 additional years beyond its present expiration date of October 1, 1972. This title was added to the House version of the Highway Act and had not been included in the Senate version. It is included in the conference version and was discussed by the Senate Finance Committee, in executive session only on December 2 following House passage and while the House bill lay at the desk awaiting referral. But it is my feeling that as the administration favors a 3-year extension of the fund, as opposed to a 5 year extension and since the Senate as a whole has not considered legislation concerning the extension, we are moving with insufficient attention to the importance of this title. The Secretary of Transportation has indicated that he will present to the Congress early in the 92d Congress proposals to create greater equity and flexibility in the funding of various modes of transportation. The Secretary so testified in June before the Senate Public Works Committee. Therefore, I feel that our action in this legislation, extending the highway trust fund for 5 years, may be premature.

This bill also contains provisions for the establishment of a new urban-aid highway system. The Senate provisions were designed to achieve two goals, and I believe that the language settled on by the conferees will achieve those purposes. First, it was designed to assure that more funds be provided to urbanized areas which currently contain 70 percent of the Nation's population. Formerly, urban areas were eligible for 25 percent of funds apportioned for primary and secondary road construction, as well as for other funds in special categories, such as TOPICS. But the definition of urban areas used in the apportionment of those 25-percent funds was for any area over 5,000 population.

Our second purpose was to assure that local officials, and citizens speaking through their elected leaders, would have a more secure position in the planning and programing of highway and street projects within their localities. I believe that the language settled upon by the conferees will achieve this goal and bring greater local execution of the determination to the highway program in urban areas—except for Washington, D.C.

The conference version of the Federal-Aid Highway Act of 1970 provides for the establishment of full-fledged road programs in the territories of Guam, American Samoa, and the Virgin Islands. The Senate had provided that these programs be funded with trust fund revenues; the House contended that since the territories contributed nothing to the trust fund in terms of Federal taxes, the funding of their highway programs from trust funds would be inequitable. Therefore, the programs will be funded from general revenues, with the future probability that once they are firmly established with appropriate revenue raising mechanisms, trust funds can be used. There is precedent for this procedure in the experience with Puerto Rico and its highway program.

The Senate Committee on Public Works has had a role of active leadership in the area of equal employment opportunity in connection with the Federal-aid highway program. The conference settlement contains, in section 110, further assistance designed to bring truly equal opportunity in employment practices and manpower development in the highway construction field. The language provides authority for the conduct of training programs on a year-round basis. This is highly important to the development of fully trained individuals to work in all areas of highway construction without discrimination or bias.

One of the most significant sections of the bill before us is that which allows for a fixed deadline for the elimination of segments of Interstate System. With the establishment of the Interstate System in 1956, the country took an extraordinary step which called for the construction of a highly specialized highway system for the purposes of National Defense and interstate movement of goods and people. Despite our high goals, and the substantially successful construction which is providing safe travel to millions of people, I don't believe that we were in 1956 wholly aware of the consequences of the construction of the Interstate system, of its economic impact, and its developmental importance. Unfortunately many people may have attributed to the original projected routings benefits beyond their worth. Certain segments have come into intense controversy because of the impacts they would have upon the immediate locality. In most cases, rerouting of these segments to avoid irreversible damage to the areas involved would not impair the success of the Interstate System as a whole. Such was the case with the Vieux Carré section of highway in New Orleans, which was removed as part of the Interstate System by Secretary Volpe earlier this year. Section 124 of the legislation we are now considering would establish two dates, by which time sections in question could be removed as

part of the Interstate System. The first deadline, July 1, 1973, would be the date by which all segments must be scheduled for obligation and expenditure of funds for construction and completion. The second deadline is July 1, 1975, after which time any project for which plans, specifications, and estimates have not been submitted for approval of the Secretary would be redesignated. I believe it appropriate to point out here that a 1968 provision added to title 23 provides that routes built to interstate standards by the States under the regular Federal-aid program can be added to the Interstate System. So segments eliminated under the 1970 provisions could later be redesignated as interstate routes if they are ever built up to standard. It is also important to note that enactment of this section should help assure that we can see the end of the interstate construction program, with its accentuated 90 to 10 funding incentives which have resulted to a good extent in the neglect and deterioration of our other road systems.

Mr. President, another section of the bill would establish economic development highways to stimulate the growth of small cities and growth centers in rural areas. We have learned through the experience in Appalachia what a difference adequate and safe roadways can make to the economic recovery effort. The program of supplementary grants for a number of demonstration projects in the construction of growth center highways, initiated in this bill, will yield greater understanding of the interrelationship between highways and economic development, and we hope may further the process of formulating priorities for highway construction.

Undoubtedly, one of the most significant sections of the Senate bill was that requiring development by the Secretary of Transportation of guidelines for construction of highways which will take full account of the social, environmental, and economic consequences and impact of highway construction. I am pleased that the conference committee determined to retain this section, for its value cannot in my view be underestimated. The chairman of the Committee on Public Works, Senator RANDOLPH, has dealt with this subject, so I will not say more than this: These impacts must be considered at the earliest stages, when decisions as to whether, where, and how to build are being made. I hope very much that this section will assure better development and construction of highways in the future.

Mr. President, there are a number of sections in this bill which do not please me in any way. I do not wish to take much time in discussing them, but I would not feel right about telling my colleagues about this bill unless they were mentioned. I have already mentioned the length of the trust fund extension, which troubles me in title III of the bill.

Another section, which also deals with the funding of the Federal-aid highway program, is the section which provides that starting in fiscal year 1974 the matching share of Federal to State funds for primary, secondary, and urban highways will be increased from 50 to 70 percent. It is true that the 70 to 30 percent matching formula has been discussed before the Committees on Public Works and across the land—but in connection with the follow-on program after completion of the Interstate System. The goals attached to such a change in matching formula are quite clear, it seems to me, and of merit. For example, the exceedingly favorable Federal funding for interstate mileage has proved a great incentive to pursuing its construction; in fact its 90 to 10 matching has created a situation in which that system has priority over all others, often to the detriment and deterioration of the primary and secondary systems. The 70 to 30 matching has been discussed as a uniform ratio to be applicable to all systems, thereby leaving the States in a freer economic position to make judgments and set priorities for the kinds of roads they wish to build, according to the needs of their States. With the same matching, whether the needed road were expressway, limited access, secondary, primary, urban arterial, rural or whatever, States would be in a better position to weigh alternatives and put resources to best use. The 70 to 30 formula has also been discussed in the context of decentralization of Federal control over the highway program.

But the proposal contained in this legislation is different, because nothing is done to reduce the Interstate matching formula from 90 to 10 at the same time as the 50 to 50 formula is raised. This action is a promise—and premature in my view—of the matching formula for the follow-on program, at a time when the outline and shape of the follow-on program has not yet been determined. We have not yet decided what kind of highway program will follow the construction of the Interstate System; yet in this bill we appear to establish the future matching formula. This is, in my opinion, unwise. What it means in simplest terms, is that the Federal moneys are going to be increased and the surplus in the Trust Fund—$2.8 billion in 1971, on which interest is paid—will be absorbed. Alternatively, as my colleague on the committee, Senator BOGGS, has pointed out, the change in matching formula means that less mileage will be constructed with the same amount of money expended. If the same amount of new miles are to be constructed under the new formula as under the old, more and higher taxes will have to be raised. I believe that our committee has not given these questions adequate consideration and our action is therefore premature.

Another section which troubles me greatly is the beautification section. The administration strongly supported the Senate provisions of the Federal-aid Highway Act of 1970. For the first time since the passage of the Beautification Act, an administration made positive recommendations for the program's improvement, strongly urging its implementation. The program has been plagued by inadequate funding and confusing implementation, and the recommendations proposed by the administration would have done much to improve the situation. But those recommendations, including trust funding of the program, were not retained by the conference committee.

The beautification program has been studied and restudied, independently and at the request of Congress. The bill before us authorizes yet another study. This time the body to make the study is an unusual one. It will be composed of 11 members, eight of which will be members of the Senate and House Public Works Committees, the bodies who have responsibility to legislate on the recommendations of the Commission. The other three members of the Commission would be chosen by the President. The Commission will study the existing program and many areas which the current program does not cover, such as commercial areas and on premise signs. I believe those areas may need to be studied, but to spend $200,000 in a year so that the committees already having jurisdiction over this program can study it again can only be called silly.

The saving features of the sections on beautification are those which authorize significant amounts for vigorously pursuing the existing program for the next 3 years, as proposed by the administration, and the assurance in the statement of House managers that "the creation of this Commission is not construed as derogating in any way from active implementation of the existing program without reduction and as authorized during this study." With that assurance, I hope that the money will be appropriated to finally give the beautification program a chance to prove its worth.

Mr. President, the last section which concerns me is that reference to construction of highways in the District of Columbia. My colleagues will remember that I voted against final passage of the Federal Aid Highway Act of 1968 because of the presence of section 23 in that act, which in my view attempted to displace the rights of the citizens of the District to be treated as all other citizens of the United States in determining their own highway program. I was glad when the Public Works Committee of the Senate, and the whole Senate, this year supported repeal of section 23 of the 1968 act. It was especially important that we took that action, for the bill which issued from the House Public Works Committee included provisions which went even further than in 1968 in attempting to require the construction of interstate highways within the District—and without the fundamental provision which we were able to attach in 1968, so often overlooked, that all construction must be carried out according to all applicable provisions of title 23 of the United States Code.

The result of the conference was to reject any mandate for any new highway construction, or for designation or removal of designation of interstate routes, within the District of Columbia. The conference agreed to no more than another study by the District of Columbia government and the Department of Transportation of the North Central Freeway, and also of the East and the North Legs. Of course, these routes have

been studied before, and a study of the North Central Freeway is now being carried out, and the administration supported the Senate position in this matter.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the text of a letter from the Secretary of Transportation, John Volpe, expressing the administration's position with respect to repeal of section 23 of the Federal-Aid Highway Act of 1968, and that excerpts from the Senate report on the Federal-Aid Highway Act of 1970 and my views from that report also be included.

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

DEPARTMENT OF TRANSPORTATION,
Washington, D.C., December 15, 1970.

Hon. JOHN SHERMAN COOPER,
Senate Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: In response to your request, I am hereby stating my views on the sections of the proposed 1970 highway legislation regarding projects for the District of Columbia now pending before the House-Senate Conference Committee.

As you know, although I totally support a balanced transportation program for the Washington metropolitan area, including necessary freeway projects as well as a subway system, I would prefer that specific highway projects be planned, designed, and constructed in accordance with the same procedures as apply to other cities and states under the interstate program.

Should the Congress in its wisdom determine to repeal those provisions of Section 23 of the 1968 Highway Act calling for construction of specific projects for the District of Columbia, I would nonetheless assure the Committee that work on the construction of the Three Sisters Bridge will proceed as expeditiously as possible within the requirements of the law and the decisions of the courts—both because this Department and the District government are already committed to this project and because I believe it is necessary for a balanced transportation system for the area.

In the absence of Congressional action repealing those provisions of the 1968 Act, I would hope that no further construction or studies would be required by the Congress. As you know, my Department is already engaged in a 16-month study of the North Central Freeway which, again, will continue no matter what the Conference action is because I believe such a study to be needed.

Warm personal regards.

Sincerely,

JOHN A. VOLPE.

DISTRICT OF COLUMBIA

The committee recommends the repeal of section 23 of the Federal-Aid Highway Act of 1968. Section 23 mandates the construction of certain segments of the Interstate System in the District of Columbia. That action was a departure from the traditional Federal-State relationship which has been the principal characteristic of the Federal-aid program during its more than 50 years of operation.

Basic to the Federal-aid highway program is its reliance on local decisions with regard to planning and execution of projects, including those on the Interstate System. Federal-aid highway law defines the District of Columbia as a State, and gives to the officials of the District responsibility for initiating projects. The responsibility of the Federal Government is approval of such plans, review of their implementation, and reimbursement of the Federal share of the costs of construction. Local initiative and execution are essential.

By adopting section 23 of the 1968 act, the Congress directly interceded in this process. The section effectively superseded local responsibility and initiative in the District of Columbia, and could create a precedent for similar action with respect to highway controversies in the several States.

Section 23 has resulted in confusion and conflicts in interpretation. Court action has stopped construction of two projects required by section 23, the Three Sisters Bridge and the east leg of the inner loop.

The committee emphasizes that the repeal of the section would neither initiate nor halt any specific highway project. It would not affect lawful actions taken pursuant to section 23 during the time it was in effect, nor is it intended to reverse any local decision properly made with respect to highways and bridges. It would simply remove the uncertain effects of section 23 and make clear that the District of Columbia has the same prerogatives respecting highway construction enjoyed by any State.

It is essential that Federal-aid highway law not direct the construction of specific highway segments or bridges in any State. The elimination of section 23 would remove the Congress from involvement in local decisions which rightly belong to the citizens of the District of Columbia, their responsible officials, and the Department of Transportation.

DISTRICT OF COLUMBIA HIGHWAYS

I am very pleased with the action of the committee in reporting a Federal-Aid Highway Act of 1970 which includes repeal of section 23 of the Federal-Aid Highway Act of 1968—the section which was the cause of my refusal to sign the report of the Senate-House conference in 1968 and my subsequent vote against final passage.

In section 23 the Congress for the first time—and the only time to my knowledge—directly interceded in the process of planning and approving specific projects in the Federal-aid highway program. Section 23 directed the District of Columbia and the Department of Transportation to construct all projects included in the District 1968 cost estimate "in accordance with all applicable provisions of title 23 of the United States Code." As to four projects, section 23 directed that work commence within 30 days following enactment. Remaining projects were to be given further study and a report "including any recommended alternative routes or plans" made to Congress within 18 months.

Section 23 contradicted the principles of federalism underlying the Federal-aid highway program. Under title 23 the District of Columbia is defined as a State, and the States are given responsibility for initiating the planning and approval of specific projects. The Federal Government then approves the plans and the process of their local development at a number of stages, and reimburses a portion of the cost of construction. Local initiative and execution is essential. I said in 1968 that I believed Members of Congress lacked the expertise, experience, and authority necessary to determine the need, desirability, location, and design of specific highway projects. The major objection which I raised was that the section effectively superseded local responsibility and initiative in the District of Columbia and created a dangerous precedent for similar action with controversial highways in the several States.

Section 23 has created confusion and dismay in the District of Columbia. It has, in my opinion, been misinterpreted by some, to require the construction of all highways included in the 1968 cost estimate without regard to any local or Federal laws. In fact, however, its directive was specifically qualified by a clause requiring that all action be taken according to all applicable provisions of title 23. Judge Skelly Wright of the U.S. court of appeals pointed out in an opinion involving one of the projects included in section 23, an interpretation which "would result in discrimination between District residents * * * and all other residents affected by highway projects in their localities" would condemn section 23 as unconstitutional.

Section 23 was not included in the Senate version of the Federal-Aid Highway Act of 1968. Much of the confusion about its meaning has resulted from the statement of House managers, which accompanied the conference bill, and which set forth detailed location and design instruction. I do not believe that the manager's statement reflected the views or the understanding of the Senate conferees.

A great deal of the confusion created by section 23 has resulted from conflicting interpretation by the same District and Federal officials. At President Johnson's direction, the National Capital Planning Commission and the District of Columbia developed and adopted, in December of 1968, a comprehensive highway plan that omitted two of the most controversial projects included in section 23 and modified the location and design of others. But last summer, faced with the threat of discontinuing the rail rapid transit system construction for the District because of blocked appropriations, the District government and the Department of Transportation decided, in effect, to follow the directions in the statement of House managers without regard to any other laws. Citizens' lawsuits have not resulted in stopping construction of two of the projects included in section 23—the Three Sisters Bridge and the east leg of the inner loop—until all applicable provisions of title 23, United States Code, are complied with.

Mr. President, rather than solve the controversy in the District of Columbia, section 23 has inflamed it. Events in the Nation's Capital in the past 2 years have confirmed the Senate's wisdom in not attempting to approve construction of specific highway projects. Section 23 of the Federal-Aid Highway Act of 1968 should be repealed.

The Department of Transportation has acted with care and concern in fulfilling the study requirements of section 23. I included their report in the CONGRESSIONAL RECORD of February 24, 1970, and applauded the report of the Secretary of Transportation for its goals and direction. The Department has not, however, in my view dealt according to their own procedures in requiring the adherence to all the planning and approval requirements of title 23, with respect to the most controversial segments of the District's highways. They have, rather, accepted the judgment of Congress, which in this case, in my judgment, is neither qualified, nor authorized by law, to make such decisions.

The action of the committee in repealing section 23 does not express support or opposition to any highway system or specific part of a system for the District of Columbia. It expresses the principle which had been adhered to by the Congress prior to 1968. That principle is, that it is not the function of the Congress to prescribe and force upon the citizens of a State or the District of Columbia a particular highway construction program. It is certain that the Congress would not attempt to direct the highway program of the 50 States for local initiative is crucial to the success of the Federal-aid highway program—it should not be ignored in the Nation's Capital.

Mr. COOPER. Mr. President, this is important legislation. It continues one of the most significant building programs in the history of the Nation, and perhaps in the history of mankind. We are becoming increasingly aware of the myriad consequences of this tremendous

program, and this bill contains sections which recognize those consequences. My hope is that we will continue modifying the program in future years to meet new and more fully recognized needs.

I want to express my appreciation for the position of the Secretary of Transportation—his open and constructive advice and proposals. His work had contributed very much to this bill.

Mr. RANDOLPH. We did have the cooperation of our colleagues, and we had the valuable service of the staff members of the committee. All of the members of the Committee on Public Works are most appreciative of the outstanding contributions of the staff in bringing this legislation to fruition. We thank our staff director, Richard B. Royce, the assistant chief clerk, minority, Bailey Guard, counsel M. Barry Meyer, assistant staff director, J. B. Huyett, together with the professional staff, both majority and minority, John Yago, Adrien Waller, and Hal Bragman, and the clerical staff, Kathleen Forcum, Pauline Medlin, LaVerne Douglas, Ann Brown, and Hester Dungan. In concert with the staff of the individual members they aided our efforts greatly.

Mr. SPONG. Mr. President, I am pleased that the conference report on the Federal-Aid Highway Act of 1970 includes provision for designation by the Secretary of Transportation of economic growth center highways.

The implementation of the section should help revitalize the economy of the Nation's rural areas and, hopefully, will help stem the population migration from rural communities to metropolitan centers.

The report authorizes the Secretary to provide an additional 20 percent of the construction costs of primary highways serving communities designated as economic growth centers. Total Federal participation will be limited to 95 percent of the total expenditure.

I also am pleased that the conferees agreed in principle to the use of revenue from the highway trust fund for financing a share of the highway safety program. The effectiveness of the program has been hampered in the past by the uncertainty of the traditional appropriations process. While the flow of trust fund revenue for highway safety will continue to be tied to a degree to general fund appropriations, I hope the mechanism established in the report will enhance the operation of safety programs.

The efficiency of highways in urban areas no doubt will be improved through the authorization for construction of exclusive or preferential bus lanes, and bus passenger loading facilities. We have established on a permanent basis the authorization for construction of fringe and corridor parking.

Mr. President, the reconciliation of the Senate and House provisions dealing with the freeway system in the District of Columbia proved to be difficult.

Highway development in the District is embroiled in controversy and litigation under existing law. Having concluded that any additional legislation might contribute to the turmoil, I would have preferred that both the Senate and House provisions be stricken. I reluctantly acceded to the compromise, which provides for additional studies but mandates no additional construction.

I wish to acknowledge and pay tribute to the leadership of our able committee chairman, the distinguished Senator from West Virginia (Mr. RANDOLPH), who demonstrated great patience and understanding throughout the conference. I appreciate the contributions of my fellow Senate conferees, the Senator from North Carolina (Mr. JORDAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Kentucky (Mr. COOPER), the Senator from Delaware (Mr. BOGGS), and the Senator from Tennessee (Mr. BAKER).

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

Mr. RANDOLPH. I yield.

Mr. GRAVEL. Mr President, in the interest of time, I will not have the opportunity to go into what affects Alaska in this bill. It is probably the most significant bill concerning Alaska since statehood itself, certainly in economic terms.

I feel a great deal of gratitude to the chairman and to the ranking minority member of the committee for what has taken place in this regard. It can only cap it by adding one piece of admiration that has been foremost in my mind ever since I have been a member of the Committee on Public Works. Many people can show leadership; many people can have the ability to compromise. The chairman, the Senator from West Vriginia, is a quiet man, but he has been unusually gifted in his ability to effect leadership and at the same time meld compromise. In many regards, in a legislative career, that is probably the most important gift a person can have. I am happy he has that gift. I am happy that that gift can shower benefit upon States such as my own and the entire Nation. For that I thank him, not only in behalf of Alaskans but in behalf of all residents of this great country as well.

Mr. RANDOLPH. I am very grateful. This is my personal expression. But, for the committee, we are cognizant of the greatness of Alaska and of the need of its people. We are not going to forget Alaska.

Mr. STEVENS. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. STEVENS. I join my colleague from Alaska in commending the work of the chairman of the Public Works Committee and the ranking minority Member the Senator from Kentucky (Mr. COOPER) on the provisions which are in this bill for Alaska. They are farsighted. Both Senator GRAVEL and I discussed these matters with the Senators from West Virginia (Mr. RANDOLPH) and from Kentucky (Mr. COOPER) and I say to my friends on the conference committee that the revisions which have been made in the conference are understandable. We applaud the Senator from West Virginia and his colleagues on the committee for the fact that he has been able to bring back so much for Alaska, because there was so much in this bill that we did not know how much would actually survive the conference.

All the people of Alaska are grateful for what has been provided for us in this bill.

Mr. RANDOLPH. The two Senators from Alaska have been most understanding and have assisted us and we are grateful for their cooperation.

Mr. BAKER. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. BAKER. I shall not detain the Senate long and will not impose on the time of the Senator from West Virginia, but I do want to take this opportunity to pay him an accolade and to offer my sincere congratulations to him as chairman and to the Senator from Kentucky (Mr. COOPER) as the ranking member of the Public Works Committee, and as conferees, in producing a bill that is meaningful, and in navigating through a difficult conference, and finally reporting this piece of legislation that not only is appropriate to these times and circumstances but is even more appropriate in trying to set an example. We compromised where difficult judgments needed to be made if Congress was to adjourn.

This spirit of give-and-take between the House and Senate, so well exemplified by both the chairman and the ranking member, the conferees in both Houses took to heart. It took us many days to get a bill. One particular section, the District of Columbia section, was a highly volatile issue, I dare say as emotional as almost any other issue, if not any issue that has been before the Senate in the past several days. But it was worked out according to an old Tennessee adage that if no one is really happy with it, therefore it must be very good. But it was worked out, and we have a bill, and we will be using that as a point of departure for getting even better bills in the future.

So, without further detaining the Senate, I want to say, as a junior conferee on this and other bills emanating from the Public Works Committee, I think a good job has been done in an expeditious way under the most competent leadership on both sides of the aisle.

Mr. RANDOLPH. The keenness of the Senator from Tennessee and his incisiveness was shown in our work in the subcommittee, in the committee, and in the conference. I know that the Senator from Kentucky (Mr. COOPER) and I are both grateful for such men as the Senator from Tennessee and all others who have served with us.

Mr. MONTOYA. Mr. President, I was privileged to be involved in the development of the Federal-Aid Highway Act of 1970 from its consideration in the Senate Roads Subcommittee through its completion in the Senate-House conference which completed work on Thursday. I consider it excellent legislation which furthers the development of our national highway system.

There were several provisions of the bill in which I was particularly interested and which are related to my other legislative responsibilities.

I call the Senate's attention to the section which provides for the future des-

ignation of interstate highways. This section opens the door to expansion of this nationwide system of freeways without creating an additional financial commitment on the Federal Government of the type now utilized for interstate construction.

Under this provision, the Secretary of Transportation may, at the request of any State, designate any primary highway which is a logical addition or connection to the Interstate System as a future part of that system. This could be done, however, only if the affected State or States promised to bring this highway up to interstate standards within 12 years.

In order to prevent confusion or avoid misleading road users, there would be no reference to the highway as a part of the Interstate System, including signs, until it is actually constructed to interstate standards.

This secion responds to the requests of many communities throughout the United States for assistance in obtaining interstate connections with other parts of the country.

The provision which evolved from the conference, while not as strong as the original Senate bill language, will enable the citizens of communities not now served by the interstate system to effectively petition their State governments so that the economic benefits which follow from location on or near the interstate system will be part of their future. The language of the bill is based on the record developed at hearings by the Committee on Public Works in Carson City and Ely, Nev., in Roswell, N. Mex., and in Washington, D.C. There are at least five major interstate connections which could be designated under this provision. These connections are essential to the people of the areas involved. There is the U.S. 219 route from Buffalo, N.Y., to Bluefield, W. Va., covering New York, Pennsylvania, Maryland, and West Virginia; the route from Augusta, Ga., to Tallahassee, Fla.; and the route from Birmingham, Ala., to Memphis, Tenn., through northern Mississippi; the route I–70 from the Nevada-Utah border to San Francisco and U.S. 70 from Amarillo, Tex., to Las Cruces, N. Mex., which would serve one of the great areas of potential growth and development in eastern and south central New Mexico.

The adoption of this provision and the completion of the interstate system in the latter part of this decade will enable the people of these areas to achieve parity with those who are and will be served by the present 42,500 mile interstate system.

Another provision with potentially widespread impact is that authorizing the designation of economic growth center highways. This section allows the Secretary of Transportation to provide additional financial assistance for the construction of primary highways leading to cities he declares to be economic growth centers.

An authorization of $50 million for each of the fiscal years 1972 and 1973 would be available to supplement the Federal share of eligible projects with an additional 20 percent of the cost, except that the Federal share would in no case be more than 95 percent.

This provision is patterned after and based on the same philosophy behind development highways constructed under the Appalachian Regional Development Act and authority for regional transportation planning in title V of the Public Works and Economic Development Act, as amended in 1969.

It was my pleasure to chair the hearings which developed the 1969 amendments to the Public Works and Economic Development Act. It was during those hearings that I became convinced that there was a need for a developmental highway program to demonstrate the positive force in economic development which highways are. The experimental program contained in this bill will undoubtedly be helpful in bringing a better standard of living to rural America. This program should provide a better understanding of the direct relationship between proper economic growth and rural development and highway location.

Highways are generally recognized as a central factor in the economic development of a region, and a modern highway system is felt to be essential to any region which is attempting to strengthen its economic base. This provision of the bill would be an important aid to many communities and would essentially expand what we believe to be a valid and proven program now operating in a limited number of States.

Mr. President, these are but two of the important provisions of the Federal-Aid Highway Act of 1970, but they are of great concern and importance to many people and communities.

I hope the Senate will keep them in mind as we act affirmatively on this conference report.

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

The motion was agreed to.

RIVERS AND HARBOR AND FLOOD CONTROL ACTS OF 1970—CONFERENCE REPORT

Mr. RANDOLPH. 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. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

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

The PRESIDING OFFICER (Mr. CRANSTON). 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 17, 1970, pages 42274–42280, CONGRESSIONAL RECORD.)

Mr. RANDOLPH. Mr. President, conferees of the Senate and House met December 16, to consider differences in H.R. 19877, the rivers and harbors omnibus bill of 1970. The session was one of cordiality. The two committees have always been able to compose differences in a spirit of cooperation and accommodation. I feel that we have brought back a sound and useful measure which retains most of the items and provisions included in the version passed by the Senate.

Basically, this measure is composed of projects which have the approvals of the Chief of Engineers, the Secretary of the Army, the Governors of the affected States, the concerned Federal agencies, and the Office of Management and Budget. In a few instances the Office of Management and Budget has not completed its review of the project proposals. Therefore, the conferees have included language at appropriate places in the bill providing that construction shall not be initiated until such review has been completed and the project has been approved by the President. I stress this point because both committees realized the importance of thorough review of all the measures contained in the bill, especially by the Office of Management and Budget. However, in the consideration of this type of legislation there are always a few projects in transit awaiting Budget review when the committees conclude action thereon. As a consequence, action on a relatively few projects would be delayed 2 years until consideration of the next omnibus authorization bill. Inasmuch as these projects provide much needed flood relief and expedients to correct serious deficiencies in the Nation's harbors and navigation channels, the conference committee has included these worthy projects in the bill, with safeguards, of course, that full review will be made by the Office of Management and Budget.

The version that passed the Senate contained authorization for a number of navigation and flood control projects costing less than $10 million. Those projects were not in the bill as it came to the Senate, and the House Public Works Committee subsequently approved them under the provisions of section 201 of the Flood Control Act of 1965. In view of this action, the Senate conferees receded and agreed to their deletion in the conference. On December 17, 1970, the Senate Public Works Committee, in executive session, on the motion of the able Senator from Delaware (Mr. BOGGS), adopted resolutions approving these projects under the provisions of section 205.

The Members of this body should know, therefore, that the projects costing less than $10 million which were contained in the bill as it passed the Senate are now authorized and eligible for construction by the Chief of Engineers, subject to the availability of funds.

Mr. President, I ask unanimous consent that the designations of the projects, together with other pertinent details, be printed at this point in the RECORD.

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

H.R. 19877—River and harbor bill, total of bill as agreed to in conference

	Estimated Federal cost
Navigation:	
Pleasant Bay, Mass	$10,221,000
Baltimore Harbor, Md	40,000,000
Atlantic Intercoastal Waterway, Va. and N.C	11,220,000
Manteo (Shallowbay) Bay, N.C	10,769,000
Pamlico River, N.C	2,642,000
Port Sutton Harbor	Maintenance
Tampa Harbor, Fla	40,000,000
Freeport Harbor, Tex	13,710,000
Coos Bay, Oreg	9,100,000
Nawiliwili Harbor, Hawaii	1,952,000
New York Harbor Drift	16,227,000
Ouachita and Black Rivers, Ark. and La	13,500,000
Subtotal	169,341,000
Beach erosion: Lido Key, Fla	240,000
Total title I	169,581,000
Flood control:	
Arcadia Reservation, Okla	24,900,000
Arkansas-Red Chloride	
Avoyelles Parishes, La	15,333,000
Blue River, Kans. and Mo	40,000,000
Oahe Dam and Reservoir, N. Dak	732,000
Wild Rice River, Minn	8,359,000
Sheyenne River, N. Dak	20,000,000
Souris River, N. Dak	29,240,000
Goleta, Calif	13,830,000
Sabine River, Tex	40,000,000
Davenport, Iowa	12,263,000
Mill Creek, Ohio	32,642,000
Red Run Drain, Mich	40,000,000
Ellicott Creek, N.Y	19,070,000
Portugues Dam, P.R	11,110,000
Cerrillos Dam, P.R	16,351,000
Ponce, P.R	14,295,000
Cottonwood Creek, Calif	40,000,000
Merced County streams, California	37,260,000
Kaneohe-Kailua Area, Hawaii	7,249,000
Total (20)	422,634,000
Grand total (33)	592,215,000

Projects in Senate version of the river and harbor bill approved for construction by adoption of committee resolutions on December 17, 1970, under the provisions of section 201 of the Flood Control Act of 1965

	Estimated Federal Cost
Navigation:	
Black River Harbor, Alcona County, Mich. (H. Doc. 91–361)	$484,000
Calcasieu River, Devils Elbow, La. (Doc. 91–)	3,700,000
Central and southern, Florida, small boat navigation (H. Doc. 91–394)	5,554,000
Corpus Christi Beach, Tex. (H. Doc. 91–415)	525,000
Delaware Bay-Chesapeake Bay waterway, Delaware, Maryland and Virginia	6,887,000
East River, New York (S. Doc. 91–60)	2,230,000
Edgartown Harbor, Mass. (S. Doc. 91–108)	1,755,000
Frenchboro Harbor, Maine (S. Doc. 91–32)	560,000
Geneva-on-the-Lake, Ohio (H. Doc. 91–402)	605,000
Humboldt Harbor, Alaska (H. Doc. 91–393)	2,300,000
Lee County, Fla. (H. Doc. 91–395)	608,000
Ludington Harbor, Mich. (H. Doc. 91–342)	1,650,000
Mobile Harbor, Alabama (H. Doc. 91–335)[1]	$7,254,000
New Jersey coastal inlets and beaches (H. Doc. 91–160):	
Great Egg Harbor Inlet and Peck Beach	4,350,000
Corson Inlet and Ludlam Beach	3,910,000
Townsend Inlet and Seven Mile Beach	3,490,000
Ottawa River Harbor, Mich. and Ohio, (H. Doc. 91–396)	848,000
Revere and Nantasket Beaches, Mass. (H. Doc. 91–211)	2,200,000
South Shore of Lake Ontario (H. Doc. 91–319) Nr. Niagara State Park, N.Y	1,309,000
Waukegan Harbor, Illinois	1,197,000
Total	51,416,000
Flood control:	
Fort Chartres and other drainage districts, Illinois (H. Doc. 91–412)	2,310,000
Marion, Kans. (S. Doc. 91–256)	2,146,000
Placer Creek, Wallace, Idaho (H. Doc. 91–357)	1,510,000
Posten Bayou, Arkansas (H. Doc. 91–318)	1,379,000
Reedy River, Greenville, S.C. (H. Doc. 91–356)	1,609,000
Running Water Draw, Plainview, Tex. (H. Doc. 91–192)	3,200,000
San Luis Ray River, California (H. Doc. 91–106)	7,900,000
Scajaquada Creek and tributaries, N.Y	1,020,000
Steele Bayou Basin, Mississippi (S. Doc. 91–74)	3,970,000
Streams in vicinity of Fairfield, Calif. (H. Doc. 91–159)	2,740,000
Wenatchee, Wash., (H. Doc. 91–370)	8,400,000
Western Tennessee tributaries, Tennessee (H. Doc. 91–414)	1,924,000
Zintel Canyon, vicinity of Kennewick, Wash. (H. Doc. 91–416)	1,860,000
Total	39,968,000
Grand total	91,384,000

[1] Approved by the Committee on Public Works, U.S. Senate, on July 16, 1970.

Mr. RANDOLPH. Mr. President, an item of importance in the report agreed to in conference deals with the matter of construction of spoil disposal facilities in the Great Lakes in order in eliminate pollution associated with open-water disposal in contaminated dredged spoil. The provision is similar to one proposed by the administration earlier this year. The main difference is in the area of cost sharing.

Your conferees are aware of opposition expressed by some Members of the Senate to this provision and thorough consideration was given to their views. However, the situation with respect to the Great Lakes is critical and the hour is late. Action is required now if we are to save these valuable resources and permit the uninterrupted flow of commerce on these waterways.

Mr. BAKER. Mr. President, will the Senator from West Virginia yield?

Mr. MANSFIELD. Mr. President, the Senator is over his time now. I would ask unanimous consent that he may proceed for an additional 5 minutes.

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

Mr. BAKER. Mr. President, while I am not a conferee, I am a member on the Air and Water Pollution Subcommittee and I would like to put this question to the distinguished chairman of the committee:

Section 23 of the conference agreement was not in the Senate bill. It provides for construction of dredge spoil disposal areas in order to provide alternatives to the dumping of spoil in the Great Lakes.

Earlier this year the Congress approved legislation which prohibited such dumping by the corps in violation of water quality standards and required licensed dumpers to obtain a certificate of water quality compliance from the affected State.

Does this provision in any way alter that statute? Is dumping of spoil in violation of standards by either a public or private agency still prohibited? In other words does this section vitiate or implement section 21 of the Water Quality Improvement Act?

Mr. RANDOLPH. Mr. President, I say to my able colleague that the conference report language clearly states that spoil disposal activities must comply with section 21 of the Federal Water Pollution Control Act. This is set forth on pages 8 and 25 of the conference report.

Mr. BAKER. I thank my chairman, the manager of the bill, for the information. I think it is a good bill. I fully intend to support the conference report.

Mr. RANDOLPH. Mr. President, I thank the Senator. Some of the Senate conferees felt that the House provision was more acceptable with respect to cost sharing than the administration proposal and, accordingly, receded from its disagreement to this item.

Mr. President, for the purpose of clarification, I draw attention to the section in the bill which amends existing beach erosion control authority to permit, within the discretion of the Chief of Engineers, application of a cost apportionment procedure that is similar to the one applied to hurricane flood protection projects. The language included in the conference report permits a desirable flexibility in the statutory cost apportionment required for beach erosion benefits. In addition it permits a discretionary determination of the proper Federal share of the project cost up to 70 percent of the total cost, exclusive of land costs, in all hurricane and tidal flood protection projects having concomitant beach enhancement aspects. However, existing hurricane flood control policy, as derived from the 1958 Flood Control Act, provides for cost sharing on the basis of 70 percent Federal and 30 percent non-Federal, the local share including the cost of land, easements, and rights-of-way. Clearly, the language contained in the bill relating to cost sharing on combination beach erosion control-hurricane flood control projects has no application to the general hurricane flood control project program developed as a result of the pro-

visions contained in the Flood Control Act of 1958.

Mr. President, the conference report on H.R. 19877 is a good measure. It has been well thought out and the projects were carefully analyzed. I urge the Senate to adopt the conference report.

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

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, under the leadership of the Senator from West Virginia (Mr. RANDOLPH), the conference committee on the omnibus Rivers and Harbors and Flood Control Acts of 1970 produced a bill which includes several new provisions and a number of projects that are very important.

I did not sign the conference report, because I wanted to point out in the RECORD that, despite the efforts of the Senator from West Virginia, we were faced, certainly this time, with a list of projects which have not been approved in the proper way.

We found ourselves in the conference faced with many projects, including some very large ones, which have not been approved by the Bureau of the Budget, and which in some cases have not even been approved by the Secretary of the Army. As I said, I did not sign the report because I wanted to bring this fact out.

I will submit for the RECORD a statement calling attention to this problem and some of the difficulties I find in the bill.

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

(See exhibit 1.)

Mr. COOPER. I believe that if not corrected and guarded against, this situation could expand. Any Member could get a project authorized, even though the proper procedure has not been followed. The Senator from West Virginia and I have discussed this matter, and recognize the importance of following proper and improved procedures.

EXHIBIT 1

STATEMENT OF SENATOR JOHN SHERMAN COOPER

I wish to erpress my reservations with respect to the Conference Report on the Omnibus Rivers and Harbors, and Flood Control Act of 1970. I was a Conferee on behalf of the Senate Committee on Public Works. I did not sign the Conference Report.

I believe this legislation authorizes too many projects costing too much money on the basis of too little information. This is a time when many Americans have raised questions of national priorities; I believe more careful study should have been given to authorization of several of the proposals in this bill.

The dollar figures in the bill may be misconstrued. Several large projects contain authorizations limited to $40,000,000. When the full cost of the projects approved in Sections 101 and 201 is calculated, this bill carries a cost to the Federal Government of nearly $1.4 billion. It should be noted that the Senate bill came to the floor earlier this month with a Federal cost less than half that large.

The arbitrary $40,000,000 limit originated in the House bill. The House used this approach, it may be said, to give Congress greater control to review the projects in the future. But it is unrealistic to think the Congress would seriously reconsider authorization of a half-built dam or half-dredged harbor.

If we wish to use a partial-authorization procedure for review—and not simply to hold down the apparent cost of the Omnibus bill—I would suggest that we seek a procedure for review after pre-construction planning. The Congress then could authorize the sum needed for the next stage, such as initiation of construction. A review process could be used. Also to assess the merits and costs involved in each component of a multi-component project. If such a review found the balance of a project uneconomic or unnecessary, a single dam or channel would at least exist to serve a useful public purpose.

Some projects, of course, could never be built in component parts. In such cases, I believe it meaningless to authorize less than the full sum needed to complete the project.

It was my thought, shared by several Conferees, that a more effective method for limiting the bill's total Federal cost would have been elimination of any project not yet sent forward to the Congress by the Office of Management and Budget.

Over a third of the projects in this legislation lack review and approval by the Office of Management and Budget. Some have not yet reached the stage of clearance by the Secretary of the Army. Yet the twelve projects lacking clearance by either or both the Army and OMB involve a cost to the taxpayers presently estimated at $625,546,000.

This OMB review process, I should add, is not a technicality. The letter from the OMB is a most helpful document for identifying the merits, benefits, and any potential difficulty involved in a project. It often identifies problems with specific benefit or cost calculations made by the Chief of Engineers. Such calculations can be vital in consideration of a project with a benefit-cost ratio of 1.2 or 1.3 to 1.

More important, however, the issuance of the letter by the Office of Management and Budget is coincident with the release of letters of comment and review from other agencies, and accompanies submission to the Congress of the Report of the Chief of Engineers and the Secretary of the Army.

These letters and reports are the only basis on which an effective hearing can be held, in order to give all interested parties an opportunity to express their views on a project.

None of the twelve projects lacking OMB clearance has been the subject of public hearings by the Senate. No record of any House hearing that may have been held has been published.

To give some perspective on this problem of authorization without study, I would like to discuss a project for construction of two dams in the Cottonwood Creek basin in northern California. This project, with a Federal cost of $174,000,000 is pending approval by the Secretary of the Army.

I should hasten to say that my argument should not be considered as against the merits of this project. Construction of these dams may be most necessary and meritorious. They will prevent flooding, and supply water for irrigation and for the needs of the Los Angeles area 500 miles distant.

The problem is that the necessary information for the Congress to properly evaluate the project is not at hand. The only information officially presented to the Senate Committee on Public Works consists of a brief environmental statement prepared by the Corps of Engineers. In this case, however, I requested and was furnished a copy of an interim survey prepared by the District Engineer.

These studies show that the Cottonwood Creek project will flood 25,000 acres to provide protection and enhancement for 20,000 acres, mostly agricultural and pasture land. The project will enable 12,000 acres of that land to be brought under irrigation.

While the District Engineer's study concentrates attention on the disputed recreational benefits of the project, and the need for flood control at Cottonwood, California, a town of 1,650 population, the project carries heavy benefits for industrial and municipal water supply. Those $8,400,000 in anual water supply benefits, I should point out, represent two-thirds of the project's total annual benefits.

While the study implies that the water is needed locally, paragraph 75 on page 40 of the District Engineer's Interim Survey states that the water will go to Los Angeles.

Specifically, the annual benefit of $8,400,000 for water supply over the project's life is based on selling 235,000 acre-feet of water yearly to Los Angeles—beginning in 1989—at a price that returns $50 an acre-foot for the project.

What may be significant is that a full return will not take effect on these water supply benefits until at least 1989. With significant benefits so far in the future, I see no reason for authorization now, before the Congress has an opportunity to receive, under the regular procedures, the completed factual report of the Chief of Engineers, together with the comments of the Secretary of the Army and the OMB.

Other questions with respect to this project appear to be unresolved. The water to be extracted for sale to Los Angeles nearly two decades hence represents half the annual runoff of the Cottonwood Creek basin. Thus, a reduction will occur in the volume of water flowing from Cottonwood Creek to the San Joaquin-Sacramento River Delta and into San Francisco Bay.

In a letter commenting on the Cottonwood Creek project, the Department of Interior states: "Maintaining water quality at levels specified in Federal-State water quality standards will be dependent in part on the maintenance of an adequate outflow from the Delta. Since this project will reduce that flow, it may contribute to a violation of the standard."

Information such as this statement, has not been available for a sufficient period to foster a proper evaluation by the public. Conservation groups have gone on record to say they do not object to this project if the stored water is used to increase Delta outflows. This project sharply reduces Delta outflows.

It may also be significant that the project will be built in an area that is characterized as possessing significant beauty. The Corps of Engineers environmental statement gives this description of the area: "The basin has a wide range of topographic, vegetative, and wildlife resources. . . . The unspoiled natural resources of the area have high aesthetic value and together with the pleasant climate, contribute to making the entire upper Sacramento Valley an important natural resource . . ." The area also has a "large and varied wildlife population." . . . "Important prehistoric and historic (archeological) sites are known within Cottonwood Creek basin." At least 23 significant archeological sites will be flooded.

The Fish and Wildlife Service says the project will adversely affect both fresh water and anadromous fisheries. The California Fish and Game Department says that the lands protected from flooding and development are some of the State's most valuable bird nesting areas. Yet the project carries $490,000 in annual benefits for "fish and wildlife enhancement."

The project lists $315,000 in annual recreational benefits. According to the Bureau of Outdoor Recreation: "This project would compete with use of other nearby recreational areas, and because the Redding-Red Bluff area has a large concentration of water-oriented recreation opportunity, additional reservoir-associated recreation use in the

Cottonwood Creek area does not have a high priority in the California statewide comprehensive outdoor recreation plan."

As I stated earlier, I am seeking in no way to pass my own judgment on the merits of the Cottonwood Creek project. I take it as an example of the several projects in this bill on which limited information has been officially provided to the Congress.

Nearly half of the total Federal cost of the projects authorized by this bill represents projects on which we are similarly lacking in information. I ask unanimous consent that a list of the six projects not approved by the Secretary of the Army, and the additional six projects pending consideration in the Office of Management and Budget, be listed in the Record at the conclusion of my remarks.

The provisions in Section 123 on Great Lakes dredging and disposal of dredged spoil are necessary and represent a major advance toward water quality.

Section 122 requires the Secretary of the Army to promulgate guidelines in 1972 to assure full consideration of possible adverse economic, social, and environmental effects in future projects. This is a most significant addition to directives given the Corps of Engineers.

Section 211 establishes another position of Assistant Secretary of the Army. He would oversee the operations of the Corps of Engineers. This may be a good and needed provision, but I see no need for its hasty adoption without hearings.

The Senate Committee on Public Works intends to hold hearings and discussions on its procedures for evaluating Corps of Engineers' projects some time early in 1971. I know all the Committee members share my hope that these hearings will enable us to establish a more effective procedure for handling Corps of Engineers projects, so that we can avoid this last minute rush. Our Committee can go far on its own to improve handling of rivers and harbors and flood control projects.

Our distinguished Chairman (Mr. Randolph) has been a leader to the Committee in attempting to resolve these questions. I do not make my argument to derogate the work of either the House or Senate Committee in Public Works; but I do believe we should help establish proper standards, and stick with them.

I ask that a letter from the Office of Management and Budget on the subject of Corps of Engineers' projects be printed at this point in the Record.

(The letter follows:)

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 16, 1970.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: We would like to state for the consideration of the conference committee the Administration's views on certain provisions in the House and Senate versions of H.R. 19877, the omnibus rivers and harbors and flood control authorization bill.

MULTIPLE OBJECTIVE PLANNING

Both bills include a statement regarding the intent of the Congress that the objectives of enhancing regional economic development, environmental quality, the well being of people, and the national economic development are objectives to be included in the evaluation of benefits and costs for water resource projects. The only difference in the House and the Senate versions is whether the provision is applicable to all Federal agencies or only to the Corps of Engineers.

We believe that endorsement of these water resource planning objectives by the Congress is premature at this time. The Executive Branch has not completed review of the Water Resources Council task force's recommendations on multi-objectives approach to planning which set forth in some detail the manner in which the basic objectives cited would be evaluated. In view of the importance of the objectives and the long range implication of their use in future resource development, we strongly recommend that Congress delete this provision until the Executive Branch agencies have had an opportunity to complete their review and make appropriate recommendations.

UNREVIEWED PROJECTS

The bill provides for the authorization of a number of projects on which the Executive Branch has submitted views and recommendations. However, the bill would also authorize a number of projects not yet reviewed by the Executive Branch. The House version of the bill includes 10 projects that have not been formally submitted to the Congress by the Secretary of the Army, and does not give effect to the reservations expressed by the Executive Branch on a number of projects and other proposals that were reviewed. The Senate bill includes 8 unreviewed projects.

We strongly recommend that those projects pending review in the Executive Branch be deleted from the bill or if such projects are included that the provision contained in the Senate version making construction contingent upon approval by the Secretary of the Army and the President be adopted. We support the language in the Senate version which gives effect to agency reservations on certain projects, as noted above.

COST SHARING GENERALLY

Both bills include provisions that would decrease local cost-sharing requirements in water resource developments. The Administration believes that non-Federal interests should be given more control over programs that benefit localities. At the same time, local interests should assume more responsibility for the costs of those projects. Appproriate cost sharing provides the strongest test of the value of these kinds of projects—the willingness of the immediate beneficiaries to pay.

Recreational Boat Harbors—The bill provides that the operation and maintenance of recreational boat harbors is a Federal responsibility. This runs counter to one of the President's 1971 program reforms, which calls for local sponsors of these projects to assume the costs of maintenance and operation. This program reform would make Federal participation in recreational boating consistent with other Federal water resource recreational development. More local participation is also necessary since this program benefits a small privileged group of the population in specific geographic areas. We continue to urge that the President's program reform be adopted.

Diked Spoil Disposal Areas—The House version would authorize construction of diked spoil areas for the disposal of polluted material dredged from harbors and navigation channels. Local interests would be required to furnish the necessary lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility, and contribute 25 percent of the construction costs for the dikes. The 25 percent participation in the construction costs by local interests could be waived by the Secretary of the Army, upon a finding by the Administrator of the Environmental Protection Agency that the State or States involved, or an appropriate political subdivision of the State, or an industrial concern, is participating in an approved plan for the general geographic area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities, and is making progress satisactory to the Administrator of EPA.

Last April, proposed legislation was submitted to the Congress by the Administration, pursuant to a Presidential message on Great Lakes pollution, which would have authorized a dike construction program for the Great Lakes. The Administration's bill provided for 50–50 cost sharing—an arrangement comparable to that for Federal grants for construction of municipal waste treatment facilities. The need for these dikes is primarily for pollution abatement and not for navigation.

We recommend that the Administration's proposal be substituted by the conferees for the provision in the House version.

Beach Erosion Control Policy—The House version includes a provision that would authorize the Corps of Engineers to pay up to 70 percent (exclusive of land costs) of costs of beach erosion control projects. Although the intent of this provision is not clear, it is assumed that it would amend existing beach erosion control authority to permit application of a cost apportionment procedure that is generally similar to that now applied to hurricane flood protection projects. The Corps is now authorized to pay up to 70 percent of the cost for hurricane protection while Federal participation in beach erosion control varies from zero to 70 percent of the cost depending upon non-Federal ownership and public access to the beaches. The House provision would be both inequitable and undesirable since it would single out one type of Federal water resource project for unique cost allocation and apportionment procedures. It would in effect eliminate the principle of pro-rata cost sharing for multipurpose hurricane flood protection and beach erosion projects. We recommend its deletion from the bill.

OTHER NEW AUTHORITIES

There are a number of other provisions that would authorize the Corps to undertake certain activities that have not been evaluated and reviewed within the Executive Branch. On the surface, some of these items do not appear to be the responsibility of the Federal taxpayers and are provided mainly to relieve certain geographic areas of financial responsibilities. We believe that authorization of these activities should be deferred pending review in accordance with standard procedures.

We believe that the adoption of these recommendations would contribute greatly to sound water resource development and would be glad to discuss them further if you wish.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

Unapproved projects

PROJECTS LACKING APPROVAL BY THE SECRETARY OF THE ARMY	
Ellicott Creek, New York	$19,070,000
Merced Streams, California	37,260,000
Cottonwood Creek, California	174,000,000
Nawiliwili Harbor, Hawaii	1,952,000
Mississippi River, Iowa	12,263,000
Ouachita, Arkansas and Louisiana	13,500,000
Total	258,045,000
PROJECTS LACKING OFFICE OF MANAGEMENT AND BUDGET CONSIDERATION	
Baltimore, Harbor, Maryland	99,500,000
Atlantic Intercoastal Waterway Bridges, Virginia and North Carolina	11,220,000
Freeport, Texas	13,710,000
Pamlico River, North Carolina	2,642,000
Kaneohe-Kailua, Hawaii	7,249,000
Arkansas-Red River Basin, Texas, Oklahoma, and Kansas	233,180,000
	367,501,000
Total	625,546,000

Mr. DOLE. Mr. President, I urge my colleagues to approve the conference report on the Rivers and Harbors and Flood Control Acts of 1970. The bill authorizes many water resource improvements that will bring widespread benefits to present and future generations, including two flood control projects in Kansas.

One of these projects, the channel improvements and system of four multipurpose reservoirs to be constructed in the Blue River Basin, requires specific comment. During the hearings on the Blue River project, questions were raised on the advisability of constructing the Tomahawk Creek Reservoir. However, the Congress has decided that the corps should proceed with necessary preconstruction planning, while at the same time insuring that all feasible alternatives to construction of the Tomahawk Creek Reservoir have been carefully considered.

Consideration of this conference report provides an opportunity to again emphasize my interest in reviewing the questions raised in the section of the Senate report on this bill, Senate Report No. 91–1422, entitled "Impact of Water Resource Development on the Environment." The enormous body of complex rules, regulations, and guidelines which govern the procedures by which a water project is authorized and public moneys are appropriated for its construction, make it difficult for the Congress to intelligently perform its constitutional responsibilities.

Furthermore, the public must participate at all stages of the planning and development of proposed water projects in a meaningful way. Too often, interested parties understand little about the complex procedures and as a result, are at a distinct disadvantage in making their voices heard. With the increased interest in the environment, the public can play a positive role if we establish procedures that will protect their rights.

In addition, I have serious doubts about the long-range advisability of including projects in authorizing legislation that have not received the approval of the Secretary of the Army and the President. This practice unfairly heightens public anticipation and relinquishes to the executive branch the ultimate decision as to whether the project should be approved. This problem is partially a result of the fact that Congress considers water projects on a biennial basis. The oversight hearings to be held by the Senate Public Works Committee next year will provide an opportunity to explore possible alternatives to the present congressional authorization process.

Mr. YARBOROUGH. Mr. President, the Omnibus Rivers and Harbors and Flood Control Act which the Senate and House have agreed to represents Congress continued commitment to progress for America. Included in this bill are a wide variety of flood control, navigation, beach erosion, and water development projects, which are located in 21 States. Of particular significance are several projects which will materially benefit the people and economy of our State.

First, the bill includes an authorization of $13,710,000 for improving and enlarging the harbor at Freeport, Tex. At present, the existing channel and basins are not adequate to accommodate the ever-increasing traffic of supertankers and large cargo vessels. The funds included in this bill are very necessary if the Freeport Harbor is to be capable of handling the rapidly growing commerce along the Texas gulf coast.

Second, the bill authorizes funds for the construction and operation of a comprehensive Red River chloride control project. The purpose of this project is to control and eliminate the salt pollution in the Red River which is seriously affecting the farms and communities in Texas and Oklahoma which must depend on this river as a source of water. I am glad that this important work will go forward.

Third, the bill also authorizes the beginning of the Sabine River Basin flood control project along the Sabine River in southeast Texas. At present there is no major flood control project in the Sabine River Basin. As a result, frequent flooding has caused a great deal of property damage in this area in the last few years. It is estimated that floods along the Sabine River cause an average of $5.2 million in damages each year. This project will not only correct the flood problem but also provides a source of water for the growing towns and cities in this area.

The bill as originally reported by the Senate Public Works Committee did not include this project, however, the Senate in its wisdom agreed to my floor amendment and restored this important project to the bill. Therefore, up to $40 million is now authorized to start work on this project.

Fourth, I am pleased that the conferees agreed to include in the final version of this bill authority for the Chief of Engineers to construct an elevated roadway to provide an alternate access to the Wolf Creek Park area in Ochiltree County, Tex. I am very glad that the Senate conferees agreed to my arguments for this project and included it in the bill.

In conclusion, Mr. President, I commend the distinguished chairman of the Senate Public Works Committee, Senator RANDOLPH, and all the members for their efforts on this bill. Congress can take pride in their work.

Mr. COOPER. Mr. President, when the Senate considered the Omnibus Rivers and Harbors and Flood Control Act of 1970 on December 9, the senior Senator from Oregon (Mr. HATFIELD) was absent from the Senate on official business. He had left with me a statement to include in the RECORD of the debate on that bill which reflected his great concern about the Coos Bay, Oreg. navigation project.

I inadvertently mislaid the statement so that it was not included with the regular consideration of that legislation. Now with the adoption of the conference report as our pending business on the rivers and harbors and flood control legislation, I ask unanimous consent that the statement of Senator HATFIELD before the Committee on Public Works at the time of the public hearing on the Coos Bay project be included in the RECORD at this point. He was so interested in seeing that the Coos Bay project was authorized that he presented testimony during committee hearings urging its approval. I am happy that it was included in the Senate and House versions of the bills.

I also want to place Senator HATFIELD's statement in the RECORD as it indicates his deep interest and advocacy of the Coos Bay, Oreg., project. His strong support caused our Public Works Committee to support his request.

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

STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Mr. Chairman, included in H.R. 15166 is a harbor improvement project at Coos Bay, Oregon. I appear here today to offer my full support for this project.

The city of Coos Bay is located on the Southern Oregon coast. The population of Coos Bay is about 15,000 and serves Coos County with 55,000 people.

In the past, Coos Bay has been a lumbering area and a shipping center. I will not repeat here what you on this Committee have heard me saying on the Senate floor ever since I have been in the Senate regarding the connection between high interest rates, the decline in new housing starts, and the slowdown in Oregon's lumber economy. Coos Bay has suffered, as have other Oregon towns, by this decline. The area is suffering from economic doldrums.

Currently, the existing Federal project consists of a twin-jetty protected entrance channel, interior channels, anchorage areas, and turning basins. We all are aware of the growth in vessel size in recent years. In Coos Bay, existing channel depths are not adequate for modern cargo vessels under full load. In addition, wave conditions in the entrance channel coupled with insufficient depths in the channel often cause vessel delays.

Mr. Chairman, Coos Bay is the largest port facility between the Columbia River, over 200 miles to the North, and the San Francisco Bay, over 450 miles to the South. As a port, it stands ready to grow, hampered only by the problems set out above. An adequate labor force is available to meet increased growth in port activities.

As you are aware, the proposed improvement generally consists of modifying the existing project by deepening and widening the project channels to provide a 45-foot depth in the entrance channel, a 35-foot depth in the interior channel, construction of an anchorage area 1,000 by 2,000 feet to a depth of 35 feet near mile 6, deepening and widening existing turning basins and abandonment of existing authorized anchorages at mile 3.5 and mile 7.

The cost of this project is not great. Figured at a 1967 price level, it totalled $9,200,000, with $9,100,000 in Federal funding and $100,000 of non-Federal funds. Inflation will have increased these costs, but this same inflation is what is hurting the economic life in the Coos Bay area.

In conclusion, Mr. President, I would like to say that I had the pleasure of speaking in Coos Bay recently at the dedication of a new downtown mall.

As I said, the lumber slowdown has hurt this area greatly and the people would have had cause to complain and grumble. Instead of this, however, I found complete faith in their community, as evidenced by the personal dedication needed to launch such an ambitious undertaking to create a downtown mall.

This harbor improvement project would demonstrate that their faith in the future of Coos Bay is well founded. Completion of this will give the local economy a needed shot in the arm. I hope this Committee will act favorably on this project.

Last week, when I learned this hearing was scheduled, I talked with people in the Coos Bay area. I asked for some expressions of support and details of the effect of this project from them. The most complete statement came from William S. Schroeder, President of the Coos Bay Port Commission. I would like to quote his telegram, and then refer to some of the points he raises:

COOS BAY, OREG., *April 10, 1970.*

SENATOR MARK O. HATFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR HATFIELD: When the request for an improved channel was initiated in 1963, the 250 vessels using Coos Bay averaged about 450 feet in length and 10,000 deadweight tons. Last year, 1969, 450 vessels used the port and averaged over 500 feet in length. One hundred and fifty vessels varied between 13,000 and 38,000 deadweight tons. The remainder, with few exceptions, are from 10,000 to 13,000 tons. Today we have vessels 650 feet in length 98 feet in width making regular calls at our port. These deeper draft vessels suffer a financial loss of over $125 per hour by the delays incurred in waiting for high tide and the hazards of navigation are increased considerably with all traffic attempting to depart the port simultaneously.

The 1963 tonnage of 1,288,634 has increased to, in 1969, 3,552,850 tons. This increase of 2,264,216 tons which is almost triple the 1963 figure, has contributed to a more favorable balance of trade. Coos Bay in 1969 exported to foreign countries 2,729,250 tons of lumber, logs, plywood, and wood chips. Your attention is invited to the Corps of Engineers projection for the year 2020, which assumed that 3,050,000 tons of cargo would be handled through the port of Coos Bay. Actually this figure was surpassed in 1968. Conceivement of such an increase in the export trade was not possible in the mid-1960's. Our increased tonnage has all been in the foreign market.

We request our present channel entrance be deepened from 40 feet at the entrance to 45 feet and the inner channel from 30 feet to 35 feet. The upper half of the channel to be widened from 300 feet to 400 feet. Since the docks are concentrated in the upper bay there is little need to widen the lower bay part of the channel.

The Corps of Engineers have found a favorable cost benefit ratio of 1.62 to 1 and this without knowledge of 1969 actual tonnage. We will continue our increase in this foreign trade if our channel can be improved to accommodate the ever larger vessels.

The port of Coos Bay is the largest lumber shipping port in the U.S. and if our channel is not improved we anticipate that within 5 years we will lose one-third of our shipping. This means that 10,000 persons will be directly affected. The wage loss will be $1.5 million in stevedore wages, a quarter million dollars each in tug boat and teamster wages . . . this does not include the financial impact upon persons engaged in services. The port of Coos Bay is an export port, 90 percent of the forest products in Coos County are shipped by water out of the port of Coos Bay in deep draft vessels.

Sincerely,

WILLIAM S. SCHROEDER,
President, Coos Bay Port Commission.

The points raised in this telegram point out the urgency of this matter. The growth in vessel size, the increase in traffic, and the growth potential all call for this project to be considered now.

In addition, telegrams of support were received from the Coos Bay Mayor and City Manager, Board of Commissioners, Chamber of Commerce, and Mayors and City Councils of North Bend, Eastside, and Myrtle Point.

I ask permission of the Chairman that these short telegrams be incorporated as part of my statement. Thank you.

COOS BAY, OREG.,
April 10, 1970.

SENATOR MARK HATFIELD,
Senate Office Building, Washington, D.C.

DEAR SENATOR HATFIELD: This is to express support from the mayor and city council of Coos Bay for the proposed Coos Bay harbor improvements, including the deepening and widening the ships channel turn basins and improvement of the bar itself. As you are well aware the Coos Bay area depends to a great degree on the lumber industry for its jobs. Since the port of Coos Bay is one of the largest shipping centers of wood products in the world you can appreciate how important this port is to the economy of the area. With the trend to larger and larger ships it is imperative that the bar and channel facilities be improved to enable these vessels to continue to use the port of Coos Bay.

Sincerely,

HAROLD A. LEEDOM,
City Manager.

COQUILLE, OREG.,
April 10, 1970.

SENATOR MARK HATFIELD,
Senate Office Building, Washington, D.C.:

It is our understanding that the public works commission will be holding a hearing on the proposed improvement of the Coos Bay harbor in the very near future. The continued and proper development and maintenance of the Coos Bay Harbor is vitally important to the economy of the entire county and much of the Pacific coast and since Coos Bay Harbor handles more lumber for export than other ports in the world we feel it is vitally important that these improvements go forward with the best possible haste and receive your full support for which we thank you in advance.

Sincerely,

COOS COUNTY BOARD OF COMMISSIONERS,
FRANK L. REMA,
Chairman.
WILLIAM L. MILLER,
LONNIE VANELSBERG.

April 10, 1970.

COOS BAY, OREG.,
Hon. MARK O. HATFIELD,
Senate Office Building, Washington, D.C.

The Coos Bay REA Chamber of Commerce heartily supports your efforts in behalf of H.B. 15166, the Comprehensive Harbor Improvement Act, as being of vital importance to the primary lumber export city. Please advise how we can be of further help toward passage of this bill.

FRED M. BRENNE,
Manager Coos Bay Area Chamber of Commerce.

April 10, 1970.

NORTH BEND, OREG.,
Senator MARK O. HATFIELD,
U.S. Senate Office Building, Washington, D.C.

The North Bend City Council wishes to go on record as supporting the Coos Bay deep channel project.

HARRY M. GRAHAM,
Mayor.

April 11, 1970.

COOS BAY, OREG.,
Senator MARK O. HATFIELD,
U.S. Senate, Washington, D.C.

We support the deep channel project for the port of Coos Bay.

MAYOR and COUNCIL.
Eastside, Oreg.

April 10, 1970.

MYRTLE POINT, OREG.,
Hon. MARK HATFIELD,
U.S. Senate, Washington, D.C.,

City of Myrtle Point fully supports deep channel project for port of Coos Bay. Improvement needed for shipment of forest products so vital to economy of this area.

ERVIN R. WILBERGER,
Mayor.

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

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Montana for 15 minutes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4106) to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare, and it was signed by the Acting President pro tempore (Mr. ALLEN).

HOUSE BILL REFERRED

The bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968, was read twice by its title and referred to the Committee on Finance.

THE PRISONERS OF WAR AND THE PARIS TALKS

Mr. MANSFIELD. Mr. President, in recent weeks statements of merit that are worthy of our most serious consideration have been made by the distinguished Senator from Washington (Mr. JACKSON), advocating a cease-fire not only through Christmas and the New Year's season, but through Tet as well.

The administration has indicated its support of such proposals.

Furthermore, the distinguished deputy minority leader, the Senator from Michigan (Mr. GRIFFIN), has advocated a proposal which likewise has the support of the administration, relative to the release of a certain number of prisoners of war held in South Vietnam in the hope that it would bring about reciprocal action by the North Vietnamese.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) has been very active in behalf of the POW's—more active, perhaps, than anyone else in the Senate, with some exceptions, and certain people in this country.

The Senator from Kansas (Mr. DOLE) is to be commended for his unflagging and unfailing interest.

It is the reporting by the Foreign Relations Committee to the Senate of Senate Resolution 486, which was submitted by the distinguished Senator from Kansas joined in by 30 or 40 Senators, and its adoption this morning, that I would like to use as a basis for the remarks which I am about to make, because my thesis has to do with the talks in Paris and their possible relations to negotiations seeking to bring about a release of all the POW's held by North Vietnam at the present time.

Mr. President, the President's policy in bringing about a steady reduction of forces in Vietnam has been commended, properly, many times on the floor of the Senate. The withdrawal is all to the good; it is in the interests of this Nation. The Senate has supported the progressive reduction; I have supported it, personally, expressing only the hope that the exodus might be speeded up. At the very least, it has seemed to me that nothing ought to be permitted to interfere in any way with the progressive reduction of U.S. forces, provided, of course, that the forces still remaining at any time are adequately safeguarded.

I would hope, for example, that neither the words nor the actions of the executive branch or the Congress would delay in any way the departure of all American forces from Indochina because only a full withdrawal, in my judgment, can serve the vital interests of the United States. Only a full withdrawal will finally end all American casualties which is, after all, a fundamental of present policy, as I understand it. I repeat, Mr. President, not some but all American casualties must be ended as soon as possible. There is not and cannot be a tolerable level of American casualties in a misbegotten war.

So once more, let me say that the President is to be commended for hewing to his policy of continuing to draw down U.S. forces and for exceeding the target figure of reduction which he had established for this point in time. It is no mean achievement to move the machinery of the executive branch to bring about a shift of this kind. Notwithstanding, I must note, in all candor, that we are far from out of the jungle in Indochina.

To sense how tightly we continue to be ensnared, we had better look most carefully not only to the U.S. forces remaining in Vietnam—there are almost 350,000 still there—well below the total of almost 550,000 2 years ago—but also to the contingents of U.S. personnel in Laos and Thailand. We had better look, too, to U.S. military activities other than ground action, whether air bombardments, naval engagements, or whatever, which are still taking place throughout the Indochinese peninsula. We should note, also, the expanding area of military action in which our forces—be they on the ground, in the air, or on the sea—are engaged. A U.S. serviceman is no less a casualty if he is killed when his helicopter strikes a mountain in Laos or his plane is shot down while flying close support for a Vietnamese battalion in Cambodia than when he is shattered by a boobytrap outside Saigon.

We had better take a look, too, at the degree to which we continue to assume and to increase—not only by our acts but by our words—U.S. responsibilities for the survival of governments in the capitals of all three Indochinese countries. Finally, we will gage more accurately the distance yet to go in ending this involvement by noting the lack of progress in the meetings in Paris.

I regret to have to say it but I must say it most soberly—by any of these other measures there are no indications of an end in sight to the involvement in Indochina. I do not see that the scope of that involvement has even shrunk in the past year or so, with the significant exception already noted of the tactical curtailment of the use of U.S. forces, air, sea, and ground.

We may well ask ourselves, for example, what is changed in our relationship with the Saigon government? What is its life expectancy without a continued powerful U.S. military presence, not to speak of a steady flow of massive U.S. aid? What of the Government in Laos? Does it stand closer to survival as a neutral or in any other independent way, now that many Americans are engaged there and the dollars flood into that country? Is there a cutoff of either U.S. casualties or aid in sight? When can the withdrawal of the American contingents be expected? What of the related aid and contingents with regard to Thailand?

Then there is Cambodia. This time last year there were perhaps 11 Americans in a miniscule diplomatic mission and no aid program of any kind. Hostile forces were present only along the Cambodian-Vietnamese borders. No Americans were involved anywhere in Cambodia. No U.S. casualties of any kind were being incurred in that country. To be sure, there was a government in Phnom Penh with only a fingertip grip on neutrality. Some considered that government not to be very friendly to the United States and, indeed, in its public utterances frequently it was not.

Now there is a government which seems more friendly to the United States. However, that government's hold on the country is dubious, even a few miles outside the capital city in any direction. North Vietnamese forces are no longer concentrated in the border sanctuaries but together with Cambodian guerrilla forces, they have spread in reinforced strength over one-half to three-quarters of Cambodia.

The staff of 11 Americans at the U.S. mission in Phnom Penh a year ago has burgeoned to 60 at present and it is still growing. The executive branch on its own has already funneled through that mission a commitment of $105 million to the new Government of Cambodia. It has asked the Congress not only to underwrite that commitment, but to join in committing another $155 million, a step which the Senate on Wednesday last said that it was prepared to take. I would be less than honest if I did not express my concern at that decision although I bow, of course, to the collective wisdom of the Senate.

It should be noted that the request was made under a familiar slogan: "spending dollars is better than spending lives." Of course, it is better to spend dollars; who would disagree with that order of priority? But is the evaluation valid?

Before we travel much further down that road, we had better note that the same slogan marked the beginning of the U.S. involvement in Vietnam as well as in Laos. Since then, we have scattered over a hundred billion dollars of the people's taxes along that slippery road. Far more tragic, a total of over 53,000 American lives have ended and over 290,000 others have suffered wounds on that tragic trail. In short, the accurate evaluation in Indochina is not to be found in the slogan: "better to spend money than lives." No, Mr. President, if we must use slogans, the more appropriate phrase in Indochina would appear to be "aid-money first and lives later." That has been the pattern to date.

We may ask ourselves, too, whether our involvement in Indochina is shrinking or growing when we perceive that the air-war has long since been extended from Vietnam to all of Laos and appears, now, to be on the verge of an extension to all of Cambodia. Moreover, what began as an understandable sympathy for the 1,500 Americans who are believed to be prisoners of Hanoi has given rise to words and actions, in multiplying indication that the area of our military involvement may well be expanding still further to reembrace bombing raids over North Vietnam. It will be recalled that it was the bombing of the North which led originally to the deaths of many American airmen and the capture of almost all of the Americans whom we now seek to free from the prison camps of North Vietnam. The raids were curtailed under the previous administration and this wastage of American lives was, at last, halted. Are we now about to begin it all over again?

Finally, if we would measure the distance to the end of our involvement we should take into consideration what is transpiring in the Paris talks. The overwhelming fact, there, is that, until now, there was little worth mentioning. The talks are back almost to the beginning of a beginning. Two years later, they are as far from bonafide negotiations as they have ever been.

All in all, then, we would be well ad-

vised, I believe to face frankly the reality that there is more to bringing about an end to our involvement in Indochina than the removal of a substantial part of our expeditionary forces from Vietnam—a step which I do not deprecate but commend in every way. The fact is, however, that what we are dealing with is hydra-headed. While the drawndown of U.S. ground forces has helped to reduce casualties in one area, the other entrapments have tightened their hold upon this Nation.

I would hope the Senate, therefore, in the closing days of the expiring Congress, in a time of haste and weariness, will not have acted in a fashion which lends encouragement or support in any way, shape, or form to a deepening of this tragedy which has already done so much to erode the foundations of the Nation's unity and stability.

I would hope, too, that the President in his continuing search for a responsible settlement, might consider directing that a pointed effort be made to seek new ingresses to a peaceful solution either in Paris or elsewhere. It seems to me that the executive branch might try to concentrate its negotiating attention at this time in an effort to determine whether the release of all U.S. prisoners of war might not better be secured as a quid pro quo, if we were prepared to set forth a timetable for the progressive withdrawal of the balance of the U.S. forces in Vietnam at this time, both events to take place under the umbrella of a ceasefire which would bring, of course, an immediate end to all U.S. casualties. Something along these lines is within the scope of the President's October 7 statement. At the same time, the release of U.S. prisoners is within the scope of peace proposals which were made by North Vietnam on September 17.

This week, at the 95th session of the peace talks in Paris, Madam Nguyen Thi Binh repeated a previous proposal offering an immediate cease-fire in Vietnam in return for a declaration of United States and allied troop withdrawal by June 30, 1971.

She also stated that U.S. acceptance of this proposal would mean immediate negotiations on the release of captured American prisoners. Madame Binh ignored the U.S. proposal that meetings be held every day to try to bring about the release of all U.S. prisoners by Christmas.

Shortly after that meeting concluded, Xuan Thuy, the chief of the North Vietnamese delegation, noting that Ambassador Bruce has rejected the proposal for a U.S. withdrawal by June 30, 1971, said:

> I, therefore, propose that if the United States is not willing to accept June 30, 1971 as the date for final withdrawal of all its troops, then it should suggest *another reasonable date*. In that case, we can immediately consider the American suggestion.

At the 95th conference, Ambassador Bruce, after calling for "immediate negotiations on an internationally supervised ceasefire-in-place throughout all of Indochina," repeated the readiness of the United States to negotiate on an agreed timetable "for complete troop withdrawal as part of an overall settlement in Vietnam, Laos, and Cambodia."

Perhaps in this give-and-take at Paris and also based in part on the President's proposals of October 7 and Hanoi's proposals of September 17, the two points to which reference is made—that is, the release of all U.S. prisoners of war coupled to a timetable for the final withdrawal of U.S. forces—might be explored exclusively—and I emphasize that word "exclusively" because that would mean setting these two issues apart—to see whether or not they may be reconciled as a starting point of a ceasefire to be followed by the negotiation of a complete settlement. It would be my hope, Mr. President, that this approach may light a clear signpost to peace.

May I say that I submit these thoughts with an understanding and appreciation, I think, of the complexities and intransigences which confront the President. I submit them, nevertheless, in concern lest we find ourselves operating under a new fail-safe—deeper within this tragic involvement—a new point of no return in Indochina.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Missouri (Mr. EAGLETON) yield briefly to me, without losing his right to the floor?

Mr. EAGLETON. Mr. President, I am willing to yield for a brief period to the Senator from Michigan with the understanding that I do not lose my right to the floor and that on resuming the floor my remarks do not constitute a second speech. I do want to add that I have a gentleman's understanding with the Senator from Nevada (Mr. BIBLE) that after a not unseemly period he should be notified so he may come back and proceed on the DOT appropriation conference report.

Mr. GRIFFIN. May I have 10 minutes?

Mr. EAGLETON. May I inquire of the Chair how long we have been on matters unrelated to the DOT conference report?

The PRESIDING OFFICER. Fifty-eight minutes.

Mr. PELL. Mr. President, would the Senator yield to me for 6 or 8 minutes?

Mr. EAGLETON. I would be pleased to yield to any Senator who wants me to yield, but I feel under some moral obligation to the manager of the conference report.

Mr. MANSFIELD. Mr. President, I think the Senator from Missouri would be doing the manager of the conference report a favor at this time by yielding.

Mr. EAGLETON. Mr. President, with those words of the majority leader, I shall yield first to the Senator from Michigan, then to the Senator from Rhode Island, and then to the Senator from Kansas.

PRISONERS OF WAR AND THE PARIS TALKS

Mr. GRIFFIN. Mr. President, I listened with close attention to the remarks of the distinguished majority leader, and I appreciate his reference to a proposal made earlier this week by the junior Senator from Michigan concerning prisoners of war.

As I reported to the Senate earlier, I had a very interesting experience about a month ago when I met for over an hour with North Vietnam's Delegate General to France, Mr. Mai Van Bo. At that time I discussed with him some of the same matters which the distinguished majority leader has discussed today.

Unfortunately, in her speech, Madam Binh, gave no indication that the Communist side at the Paris talks would be willing to discuss the release of prisoners unless we first announce that all American troops will be out of South Vietnam by a given date.

Mr. MANSFIELD. By June 30.

Mr. GRIFFIN. By June 30. And, as the distinguished majority leader has pointed out very appropriately, President Nixon's proposal or initiative of October 7 indicated that our side is ready to discuss the matter of a withdrawal timetable. This is a matter we are willing to discuss. But to be realistic we must keep in mind that the other side has refused to talk about the subjects. The other side refuses to discuss the release of prisoners. The other side refuses to discuss the matter of a timetable. Madam Binh has taken the position that her side will not even engage in discussions concerning the release of prisoners of war unless and until after we unilaterally announce that all troops will be out by June 30.

Hopefully, the other side may change its unreasonable position at some point. But, unfortunately, that is their position now, as I understand it. They will not even discuss the matter.

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

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. I tried to bring out in my speech a reference made by Xuan Thuy, the chief of the North Vietnamese delegation in Paris this week, at the 95th session, which goes beyond what Madam Binh has said, because the Senator's statement about Madam Binh was absolutely correct. After that meeting, at which Madam Binh restated the old theme, "Withdraw by June 30, 1971, and then we will discuss the prisoners of war," Xuan Thuy, chief of the North Vietnamese delegation, said:

> I, therefore, propose that if the United States is not willing to accept June 30, 1971, as the date for final withdrawal of all its troops, then it should suggest another reasonable date. In that case, we can immediately consider the American suggestion.

So it appears to me there is a good deal of flexibility there, which may be tied in with the proposals made by the President on October 7 of this year, because I think the President's proposal had a great deal in the way of substance and a great amount of flexibility.

Mr. GRIFFIN. I certainly would agree with the majority leader's description of the President's proposal. He proposed, for example, that all prisoners of war be released by both sides.

His other proposals were not necessarily tied to each other. They could be considered as a whole, or in parts, or in groups related or unrelated, but there were no conditions.

I hope that perhaps the majority leader's interpretation of Xuan Thuy's remark may indicate some greater degree of flexibility than was the case before. I do not know if it does, but at least there is a possibility.

When I was with Delegate General Mai Van Bo in the conference, I took very careful notes of our conference, and drafted a memorandum following it.

We had a conversation on that point, that went like this:

I said to the Delegate General:

In Madam Binh's speech, she spoke about "discussing" the release of captured military men if the U.S. would first declare that all troops will be withdrawn. Perhaps you can clarify a point for me. Did Madam Binh mean that prisoners would be released if troops were withdrawn—or only that there would be "discussions" if all troops are withdrawn?

Delegate General Bo responded in this way:

That question has already been answered in the talks. If you read carefully the text of our response you would know that "discussions" "Leading to release" will be held if the U.S. declares that all troops be out by June 30, 1971.

Then I said to the Delegate General:

When you say that "discussions" will be held "leading to release," does that contemplate that other conditions besides the withdrawal of all troops could be involved?

He avoided the question, and said:

If you read the history of the Vietnamese people, you will know how we look upon the question of captured American pilots—

And went on into a discussion of prisoners of war.

I again commend the distinguished majority leader for focusing attention on this very important subject. I thought perhaps my experience rather recently might help put the situation in focus, and indicate how really very difficult it is.

I am happy now to yield to the Senator from Kansas.

Mr. DOLE. I think the Senator from Rhode Island has the floor.

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

Mr. EAGLETON. I yield to the Senator from Kansas, under the previous stipulation.

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

Mr. DOLE. I appreciate the Senator's yielding in accordance with the stipulation. I share the view expressed by the majority leader that perhaps, in the closing stages of this session, it is well that we turn our attention to the plight of the American prisoner of war, wherever he may be in Indochina, and that we make an effort again, in cooperation with the excutive branch, to seek to do whatever it may entail to secure the release of American prisoners.

I also acknowledge and appreciate the interest of the majority leader and the interest of the assistant minority leader in Senate Resolution 486, which was passed earlier today.

Mr. President, I ask unanimous consent that additional sponsors not listed on Senate Resolution 486 as reported by the Committee on Foreign Relations be properly noted, as follows: The Senator from Iowa (Mr. MILLER), the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. BELLMON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from New Hampshire (Mr. MCINTYRE).

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

Mr. DOLE. Mr. President, I find myself in general agreement with the statement of the distinguished majority leader. I share the view expressed by the majority leader that we must do everything possible, and as quickly as possible, to extricate ourselves from South Vietnam. I appreciate the majority leader's reference to the efforts by President Nixon. As indicated, the troop level has been reduced by about 200,000 Americans in less than 2 years' time. There will be a further reduction of some 50,000 or 60,000 by next May 1. At that point in time, about 80 percent of the combat troops will have been withdrawn, and about 50 percent of the total American forces, the troop level, as compared to January 20, 1969.

This is progress, as the distinguished majority leader indicated. But I recognize, as others recognize, that there is still one very difficult problem that has not been resolved, at least we see no evidence of any resolution, and that is the plight of the American prisoners and the plight of the Americans missing in action, whether they be in North Vietnam, South Vietnam, or some other place in Indochina.

There is one theory that if we continue the Vietnamization program, if we reduce the troop level, then we take away our bargaining power, and if we leave these American prisoners, some 1,500 to 1,600 American prisoners and Americans missing in action somewhere in Indochina, we, in effect, desert them for the goal of Vietnamization; that if we take away this bargaining power and reduce our own military power, we, in effect, write off some 1,600 Americans.

That is not the intention of anyone in the Senate. That is not the intention of this administration. It is not the intention of any administration, past or future.

I share the view expressed by the Senator from Michigan that we are willing now to exchange—the suggestion of the Senator was 1,500 and some prisoners without any reciprocity, as I understand it—just merely to release that many.

Mr. GRIFFIN. If the Senator will permit, as he knows, the President has proposed that both sides release all prisoners which would involve a 10-to-1 advantage to the other side.

Mr. DOLE. Yes.

Mr. GRIFFIN. I have proposed, on my own, that we not only release unilaterally all sick and wounded being held by our side, but that we, as a gesture, go ahead and release 1,500 North Vietnamese prisoners unilaterally, to increase the world pressure and moral pressure on the other side.

Mr. DOLE. I share this suggestion. There is no doubt in my mind that the North Vietnamese are feeling the heat of world opinion. Having read the memorandum prepared by the junior Senator from Michigan following his conference with Ambassador Bo of North Vietnam, there is little doubt in my mind that they are experiencing the effects of world public opinion.

In fact, as I recall, one of their last gestures was to present the Senator with the North Vietnamese paper which indicated, among other things, that the American prisoners were properly cared for.

But above and beyond that, I share the view expressed by the distinguished majority leader that there must be flexibility, there must be a continuing effort, I assume there is a continuing effort by Ambassador Bruce and others responsible for the Paris peace talks, toward finding some way to resolve the knotty issues relating to American prisoners of war.

I joined with the Senator from Washington (Mr. JACKSON) in suggesting a standstill cease fire, as did many others with differing views on the war in Indochina. I was pleased that President Nixon, in effect, advocated a somewhat similar cease fire proposal on October 7.

It occurs to me that we may be reaching some agreement. There may be some movement at the Paris peace talks. The question may be what comes first, the standstill cease fire, the exchange of prisoners, or setting some date in the future for the withdrawal of all American troops.

This body has debated at great length the so-called amendment to end the war, which would have, in effect, set a deadline. I think the last deadline proposed was March 1, 1972, which seems to be, and of course is, many months away.

But I feel that this is one decision which must be left with the executive branch, with the President.

Mr. MANSFIELD. Mr. President, will the Senator yield at this point, when he is referring to a date?

Mr. DOLE. I yield.

Mr. MANSFIELD. I agree. If the Senator will recall, in my remarks I did not state that a final date for withdrawal should be made publicly. I agreed that it should be the President's prerogative, and I thought I had worded it in such a way that while questions could be raised, the intent was clear.

Mr. DOLE. I was going to say that the Senator from Montana left that option for the President, and that is why I find myself in very close agreement with his statement.

I find this particularly true, again, with reference to the American prisoner of war. I find this particularly true because it appears that every other course has failed, including the courageous raid by Americans on the Son Tay prison compound on November 21.

So I would, for the most part, subscribe to the efforts of the distinguished majority leader, again to emphasize a willingness on the part of our Government, to exercise a willingness to cooperate between the legislative and executive branch in bringing about, hopefully, a cease-fire, but, if not, of the release of the American prisoners of war; and, hopefully, through negotiations. If the President, through Ambassador Bruce, should suggest to the North Vietnamese negotiators in Paris some date

in the future, and if this would mean some movement and some flexibility and some release of American prisoners, then certainly this would be a great step forward—not only in the release of some 1,500 Americans but, beyond that, perhaps a first step in arranging standstill cease-fire which would, of course, reduce all casualties.

I share the view expressed by the majority leader that, notwithstanding that casualties have been reduced from 300 or more per week to 20 or more per week, one is too many in South Vietnam; and it makes no difference whether it is in combat or some accident in Indochina. One is too many.

So we have a responsibility in the Senate, and certainly one we all recognize too well.

I again would express my appreciation for Senate action on S. Res. 486, which was simply a resolution commending the brave acts of some 100 or more Americans who participated in a raid on the Son Tay prison camp on November 21.

It again demonstrates our appreciation of the courageous acts, above and beyond the call of duty, of Americans. That was the purpose of the resolution, that was the intention of the resolution, and that was the resolution reported unanimously by the Committee on Foreign Relations.

I thank the Senator for yielding.

Mr. MANSFIELD. It was agreed to unanimously.

Mr. DOLE. Yes.

Mr. PELL. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island, under the previous limitation; that in yielding to him for the purpose of his delivering a brief speech, I do not lose my right to the floor; and that upon my resumption, it will not be counted as a second speech.

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

Mr. PELL. Mr. President, I not only listened to but also carefully read the speech of the senior Senator from Montana, and I find myself in complete agreement with its logic, its facts, and its thrust.

There is no doubt that the number of our ground forces in South Vietnam have been reduced. But there is no doubt that geographically the war has enlarged. When we think of the increasing commitments in Cambodia and Laos and also of the escalated dimensions in the air, the war is being enlarged.

We should recognize, too, that as the war is enlarged in the air, most of the prisoners of war—or, from the North Vietnamese viewpoint, our captured military men—are basically pilots, and their situation results from the policy of bombing which many of us here opposed vigorously under the previous administration. We see this policy of bombing being resumed. If it is resumed, one of the inevitable results will be that the number of American prisoners of war will be increased, and that problem, rather than being simplified, will be complicated.

I would think that we should recognize this fact and try to push harder along the lines advanced by the majority leader, according the North Vietnamese what they have always sought, which is an iron-clad assurance of the withdrawal of all American military men from an area where, from their viewpoint and my viewpoint and that of some of my colleagues, we have been interfering in what is a civil war. If that assurance were given, I think many of the pieces would fall into place.

I think back to the war between the States, in our own country, when, if Britain had been ill advised enough to have intervened and follow the policies we follow in Vietnam, that war, bloody as it was before unification was achieved, would have gone on considerably longer and been even bloodier.

The majority leader brought out the remarks of Xuan Thuy, who said:

> I, therefore, propose that if the United States is not willing to accept June 30, 1971, as the date for final withdrawal of all its troops, then it should suggest another reasonable date. In that case, we can immediately consider the American suggestion.

That seems to me to leave the door open.

In diplomacy, you can look at doors that are ajar, and see them as either closed or possible to open. Too often in recent years, we have considered diplomatic doors closed, rather than seeking the openings that exist and pressing ahead—rather than doing what President Kennedy did at the time of Cuba, acting on the good side of things and ignoring the bad. If President Kennedy at that time had followed the last note of Khrushchev, I think we would have been in for the nuclear confrontation about which we were all concerned. But, by following the earlier note, President Kennedy was able to move along the course that relieved the tension there.

By the same token, instead of slamming each statement that the North Vietnamese make, if we look for openings in them, I think our diplomacy will be more successful.

In saying this, I say it in a completely bipartisan vein, because the whole mess was really escalated under the administration of my party, and it has so far been improved under the administration of another party, although now we see that the graph of escalation is starting to go the wrong way and rise once again.

THE RESIGNATION OF AMBASSADOR YOST

Mr. PELL. Mr. President, I rise at this time to say what a superb job I believe Ambassador Charles Woodruff Yost has done and is doing at the United Nations.

Here I speak, too, not only as a U.S. Representative to the 25th General Assembly of the United Nations, but as one who has known Ambassador Yost for some 25 years. In fact, he was my chief twice when I served in the Foreign Service.

If ever there was a Foreign Service officer who combines the qualities of intelligence, imperturbability, decency, sensitivity, and tact, it is Charles W. Yost. These qualities he has shown in all his tours of duty in difficult and arduous assignments in the almost 40 years he has served out Nation as a professional diplomatist in the truest sense of the word. It is, in fact, because of his abilities that he was one of our few career ambassadors before he retired from the Foreign Service in April 1966. And, it is because of his ability that he was recalled from retirement to serve as our first career professional diplomat to be our principal representative at the United Nations.

Always, he has handled Foreign Service assignments unflinchingly and with ability and grace.

I believe the spate of newspaper stories concerning his withdrawal treated a fine man in a shabby way and I, for one, wanted to take the floor and say what a superb job Ambassador Yost has done and how lucky we are to still have him in the service of our Nation. I only hope his talents and abilities may be drawn upon in the future for the benefit of our Nation. Rich a country as we are, we cannot afford to lose the services of men like Charles Yost.

I ask unanimous consent to have printed in the RECORD a copy of Ambassador Yost's letter of resignation and President Nixon's reply.

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

DECEMBER 11, 1970.

The PRESIDENT,
The White House

DEAR MR. PRESIDENT: I have the honor to submit my resignation as Permanent Representative of the United States to the United Nations, to take effect upon my successor's assumption of the office.

I have greatly appreciated the opportunity to serve my Government in this capacity, and hope that during my tenure I have been able to express the continuing commitment of the American people to the United Nations and their desire to make it a more effective instrument for maintaining the security of nations and the peace of the world.

Respectfully yours,

CHARLES W. YOST.

THE WHITE HOUSE,
Washington, D.C., December 11, 1970.

Hon. CHARLES YOST,
U.S. Representative to the United Nations, New York, N.Y.

DEAR CHARLIE: Two years ago when you agreed to return to public life as this nation's Permanent Representative to the United Nations I felt that your appointment was among the best that I was making in forming my Administration. Your performance during these two years has more than confirmed that judgment.

Your performance at the United Nations has been a source of great strength to the foreign policy of the United States and has been characterized by the highest degree of professionalism. You have understood, and have brought others to understand, the full dimensions of the contribution which the United Nations can make and must make to a world of peace and justice. Your entire career has exemplified the best American traditions of public service. At the United Nations you have been the embodiment of the oldest American tradition, that of a decent respect for the opinions of mankind.

I count upon being able to benefit in the future as I have in the past from the wisdom and prudence which you have so unselfishly contributed to the counsels of your nation for forty years.

I am grateful to you, and accept your resignation with regret and with the warmest personal best wishes.

Sincerely,

RICHARD NIXON.

Mr. JAVITS. Mr. President, I associate myself with the fine remarks the Senator from Rhode Island (Mr. PELL) has made about Ambassador Yost, with whom we have both served at the United Nations.

Ambassador Yost has had a long and distinguished career in the service of our country, and has performed with distinction all the tasks he has been given over the years.

We were indeed fortunate to have had the services of a fine professional such as Mr. Yost in the delicate position of Ambassador to the United Nations.

I wish him the best of luck in whatever future endeavors he may undertake, whether in the service of our Government or in private enterprise.

SEABED RESOURCES

Mr. PELL. Mr. President, over the past few weeks, I have had the privilege to be a delegate to the 25th session of the United Nations General Assembly, participating in and observing firsthand the culmination of 3 years of work aimed at establishing international control of the wealth of the seabed and deep ocean floor. The internationalization of this vast area—with its untold resources—will not only serve to strengthen international cooperation and understanding but will, in time, permit the world community of nations to advance a number of common objectives, particularly more rapid economic development on the part of the less-industrialized nations.

On December 18, 1970, the General Assembly gave its stamp of approval to these measures by adopting overwhelmingly two companion resolutions.

The first of these is a declaration of legal principles stating that the seabed and seabed resources lying beyond continental shelf limits shall be treated as "the common heritage of mankind"; that the area shall be free from national appropriation or the exercise of national sovereignty or sovereign rights; that it shall be utilized exclusively for peaceful purposes; that it shall be developed in accordance with international rules and regulations to be established; and that a new international agency shall be created to implement and enforce the procedures agreed upon.

To give added significance to the declaration of legal principles, a companion resolution establishes the timetable for the convening of a general law of the sea conference in 1973. In preparation for the conference, the United Nations Seabeds Committee will begin early next year to draft treaty articles based upon the declaration of legal principles. It will, at the same time, build on the 1958 Geneva Conventions of the Law of the Sea in an effort to resolve all outstanding law of the sea issues, including the boundary of the continental shelf, the breadth of the territorial sea, passage through international straits, and coastal fishing preferences.

In the near future, Mr. President, I shall submit my report on this year's General Assembly. However, I did want to take this opportunity to point out that these two resolutions are unprecedented. Never before in history have nations agreed to set aside a portion of this planet—let alone two-thirds—for the purpose of developing it in the interest of all. Never before in history have nations agreed to place a portion of this planet under firm international control and management. And never before in history do I recall nations acting in such a rational and sensible way to improve their common lot.

Mr. President, the internationalization of the seabed and ocean floor, together with the Assembly's earlier decision to bar nuclear weapons from the area, constitute a milestone in the history of mankind, and it is most fitting that such action was taken during the 25th anniversary session of the United Nations. I am gratified to have been a part of it, and I extend my sincere congratulations to those who labored long and hard to make this dream a reality. I ask unanimous consent that the General Assembly resolutions to which I have referred be inserted in the RECORD.

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

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION

The General Assembly,

Recalling its resolutions 798 (VIII) of 7 December 1953, 1105 (XI) of 21 February 1957 and 2574 (XXIV) of 15 December 1969,

Recalling further its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969,

Taking into account the results of the consultations undertaken by the Secretary-General in accordance with paragraph 1 of resolution 2574 A (XXIV) which indicate widespread support for the holding of a comprehensive conference on the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Noting that the political and economic realities, scientific development and rapid technological advances of the last decade have accentuated the need for early and progressive development of the law of the sea, in a framework of close international co-operation,

Having regard to the fact that many of the present States Members of the United Nations did not take part in former United Nations conferences on the law of the sea,

Convinced that the elaboration of an equitable international régime for the seabed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction would facilitate agreement on the questions to be examined at such a conference,

Affirming that such agreements on these questions should seek to accommodate the interests and needs of all States, whether land-locked or coastal, taking into account the special interests and needs of the developing countries, whether land-locked or coastal,

Having considered the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

Convinced that a new conference on the law of the sea would have to be carefully prepared to ensure its success and that the preparatory work ought to start as soon as possible after the termination of the twenty-fifth session of the General Assembly, drawing on the experience already accumulated in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and using fully the opportunity provided by the 1972 United Nations Conference on the Human Environment to further its work,

1. *Notes with satisfaction* the progress made so far towards the elaboration of the international régime to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction through the Declaration of Principles adopted by the General Assembly on . . .;

2. *Decides* to convene in 1973, in accordance with the provisions of operative paragraph 3 hereof, a conference on the law of the sea which would deal with the establishment of an equitable international régime, including an international machinery, for the area, and the resources of the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a precise definition of the area and a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, *inter alia*, the prevention of pollution), and scientific research;

3. *Decides further* to review at the twenty-sixth and twenty-seventh sessions of the General Assembly the reports of the Committee referred to in operative paragraph 6 hereof on the progress of its preparatory work with a view to determining the precise agenda of the Conference, its definitive date, location and duration, and related arrangements. If the twenty-seventh General Assembly determines the progress of the preparatory work of the Committee to be insufficient, it may decide to postpone the Conference,

4. *Reaffirms* the mandate of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction set forth in resolution 2467 A (XXIII) of 21 December 1968 as supplemented by the present resolution;

5. *Decides* to enlarge the said Committee by forty-four members, appointed by the Chairman of the First Committee in consultation with regional groups and taking into account equitable geographical representation thereon;

6. *Instructs further* the enlarged Committee to hold two meetings in Geneva in March and July-August 1971 in order to prepare for the Conference draft treaty articles embodying the international régime, including an international machinery, for the area and the resources of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, taking into account the equitable sharing by all States in the benefits to be derived therefrom, bearing in mind the special interests and needs of developing countries, whether coastal or land-locked, on the basis of the Declaration of Principles, governing the Sea-Bed and the Ocean Floor and the Subsoil thereof beyond the Limits of National Jurisdiction adopted by the General Assembly on . . .; and a comprehensive list of subjects and issues relating to the law of the sea referred to in operative paragraph 2 hereof which should be dealt with by the conference, and draft articles on such subjects and issues,

7. *Authorizes* the Committee to establish such subsidiary organs as it deems necessary for the efficient performance of its functions, bearing in mind the scientific, economic, legal and technical aspects of the issues involved;

8. *Requests* the Committee to prepare, as appropriate, reports on the progress of its work to the General Assembly;

9. *Requests* the Secretary-General to circulate those reports to Member States and Observers to the United Nations for their comments and observations;

10. *Decides* to invite other Member States which are not appointed to the Committee to participate as observers and be heard on specific points;

11. *Requests* the Secretary-General to render the Committee all the assistance it may require in legal, economic, technical and scientific matters including the relevant records of the General Assembly and specialized agencies for the efficient performance of its functions;

12. *Decides* that the Enlarged Committee, as well as its subsidiary organs, shall have summary records of its proceedings;

13. *Invites* UNESCO and its Intergovernmental Oceanographic Commission, FAO and its Committee on Fisheries, WHO, IMCO, WMO, IAEA and other intergovernmental bodies and specialized agencies concerned to co-operate fully with the Committee in the implementation of the present resolution, in particular by preparing such scientific and technical documentation as the Committee may request.

U.N. RESOLUTION

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the items refers,

Affirming that there is an area of the seabed and the ocean floor, and the sub-soil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind;

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof;

3. No State or person, natural or judicial, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration;

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international regime to be established;

5. The area shall be open to use exclusively for peaceful purposes by all States whether coastal or land-locked, without discrimination, in accordance with the international régime to be established;

6. States shall act in the area in accordance with the applicable principles and rules of international law including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding;

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographic location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries;

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area.

One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race;

9. On the basis of the principles of this declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The régime shall, *inter alia*, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof and insure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal;

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

(a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) Through effective publication of research programmes and dissemination of the results of research through international channels;

(c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources;

11. With respect to activities in the area and acting in conformity with the international regime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia:*

(a) Prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) Protection and conservation of the natural resources of the area and prevention of damage to the flora and fauna of the marine environment;

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests;

13. Nothing herein shall affect:

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof resulting from, or from other hazardous occurrences caused by, any activities in the area, subject to the international regime to be established;

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf.

Damage caused by such activities shall entail liability;

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

ORDER OF BUSINESS

Mr. EAGLETON. Mr. President, on a point of clarification, is the pending order of business my motion to postpone the pending business until Monday, December 21?

The PRESIDING OFFICER (Mr. MONDALE). The Senator is correct.

Mr. EAGLETON. I thank the Chair.

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

Mr. EAGLETON. Mr. President, I yield to the Senator from Vermont with the understanding that I do not lose my right to the floor, and that upon resumption of my speaking it will not count as a second speech.

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

ESTABLISHMENT OF A DEPARTMENT OF SCIENCE AND TECHNOLOGY IN THE EXECUTIVE BRANCH

Mr. AIKEN. Mr. President, several months ago, a proposal was made to some of us Members of the Senate for the establishment of a Department of Science and Technology in the executive branch of the Government. To this department would be transferred the functions of the National Science Foundation, the Atomic Energy Commission, the National Aeronautics and Space Administration, the National Bureau of Standards, the Department of Defense's research, the Smithsonian Institution, and the Department of State.

I was apprehensive about that proposal but there has since been a bill introduced, S. 4453, which would accomplish this purpose.

As a member of the Joint Committee on Atomic Energy, I was so apprehensive that I wrote to one who I know is one of our leading scientists in this country today, Adm. H. G. Rickover, asking his opinion of the creation of such a

department, which I believe would have had Cabinet status.

On September 22, 1970, I received a letter from Admiral Rickover. Unavoidably, I was not here soon after receiving the letter so that I could not have it printed in the RECORD. I think that Members of the Senate will find it very interesting and very convincing and I ask unanimous consent to have it printed in the RECORD.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 22, 1970.

Hon. GEORGE D. AIKEN,
U.S. Senate.

DEAR SENATOR AIKEN: This is in response to your recent letter, in which you asked for my views on the proposed establishment of a Department of Science and Technology, to centralize all Federal research and development programs in a single Cabinet-level agency. I have reviewed the report on this proposal which you enclosed with your letter, and which I am returning herewith.

I would not favor the establishment of such an agency. To a point, consolidation of like functions and centralization of management will yield advantages in economy and efficiency. However, it has been my observation that, particularly in Government, these advantages tend to be greatest in small- and medium-scale operations. As larger operations are involved, a point of diminishing returns is reached, at which the new organization created by the consolidation of functions becomes simply another huge, self-perpetuating bureaucracy, as unwieldy and inefficient as those whose functions it absorbed.

There is also, in my view, a limit to the number of disparate technical programs which can be effectively managed by a single official. Some of our technical programs, most notably the Defense Department's research and development program, are already too big and complex for efficient central management. As you know, the ponderous size of the Pentagon's multi-layered research and development bureaucracy has seriously impeded the development of critically needed weapons systems and technology. In light of this experience, I believe it would be extremely unrealistic to make a single Cabinet officer responsible to the President not only for the management of these huge defense programs, but also for the scientific and technical portions of our space, nuclear, health, transportation, education, and agricultural programs, as well as the various other programs named in the report.

Further, creating an integrated scientific and technical program for the Federal Government would have a major *dis-* integrating effect on all of the other programs involved (defense, space, nuclear, etc.), by splitting each of them into two segments, technical and non-technical, and removing the technical portion from the control of the agency responsible for the program overall. The problems of inter-agency coordination inherent in such an arrangement would very likely outweigh the benefits of consolidating the technical aspects of the work. I would, for example, see little advantage and much to be lost by transferring the research and development portion of the naval reactors program from the Navy and AEC to another agency not familiar with or responsible for the military end-use of the propulsion systems involved.

Finally, I would note that the experience of the British Government in this respect is not necessarily valid for a scientific and technical effort as large as that of the United States. There are several agencies in the United States Government whose research and development programs are already greater than that which is managed by the British Ministry of Technology; a few of our research and development programs (Defense, NASA) are several times greater than the entire research and development effort of the British Government in all fields combined. The difficulties of organizing and managing a consolidated U.S. scientific and technical effort in a single agency would be orders of magnitude greater than anything the British have ever encountered.

This is not to say that the management of our national scientific and technical resources could not be improved. It is likely that some functions could be usefully centralized at the Federal level. In other cases, however, I believe the movement should be in the opposite direction—toward decentralization of functions into more manageable units, with more decisionmaking power placed in the hands of the end-user agency. I do not believe consolidating all of our research and development programs into one gigantic technical bureaucracy would provide an effective answer to our many problems in this field.

Sincerely,

H. G. RICKOVER.

Mr. BYRD of Virginia. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. Mr. President, I yield to the Senator from Virginia with the understanding that I do not lose my right to the floor, and that upon resumption of my speaking it will not count as a second speech.

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

DEDICATION OF PHOENIX INDIAN MEDICAL CENTER

Mr. BYRD of Virginia. Mr. President, on Sunday, December 13, the Arizona Republic published a photograph and an article concerning a beloved former member of this body, Senator Carl Hayden, who attended the dedication of the Phoenix Indian Medical Center in Phoenix, Ariz.

The article points out the great contributions that former Senator Hayden, as a Senator, made to his State.

It was sent to me by a mutual friend of Senator Hayden's and the Senator from Virginia, former State Senator from Arizona, James Minotto, whom I first met in Portugal when he was a top assistant to the Ambassador to Portugal from the United States, Ambassador Robert Guggenheim.

Having had the privilege of serving with Senator Hayden, and knowing of his great qualities and that he served in the Senate longer than any man in the history of this body, I ask unanimous consent to have the article from the Arizona Republic printed in the RECORD.

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

[From the Arizona Republic, Dec. 13, 1970]

HAYDEN HAPPY AT REALIZING DREAM

(By Dom Frasca)

He sat there in his wheelchair, his figure frail but his back upright, and looked at the mortar and the steel that was once just a dream.

The sun splashed on the few thin strands of gray left on his head. Behind him, Old Glory was swayed by a gentle southeast wind in 72 degree weather.

It was 12:35 p.m. yesterday.

Some of Carl Hayden's many accomplishments were, perhaps, greater than this one—the completion and dedication of the 200-bed Phoenix Indian Medical Center at 4212 N. 16th St.; but it is doubtful any other accomplishment stirred more happiness within him.

They called him "the father" of this hospital; "the symbol of hope and progress for all American Indians" during a public service career that began at the turn of the century and ended in 1968 when he retired as Arizona's senior U.S. senator.

They recalled how Hayden, as chairman of the U.S. Senate Appropriations Committee, unlocked federal purse strings for the construction of the new hospital.

They recalled how he began his fight for the $6 million hospital 15 years ago and how he continued to fight when controversy flared as others tried to shatter the dream that he shared with his friends, the Indians.

And above all, they said Carl Hayden, an amazingly young 93, still is the best friend Arizona ever gave the Indians.

While Arizona's big-name politicians stayed away from the dedication ceremonies or sent telegrams and representatives offering apologies, Hayden arrived early and stayed late. He was there three hours in all.

He sat in his wheelchair near the main entrance to the hospital for 40 minutes before the dedication ceremony began at 1:15 p.m. They came up to him, scores of them. Indians from Arizona, Montana, Nevada and from as far away as Alaska.

Indian men shook Hayden's hand and thanked him for turning a dream into reality.

"No one has done more for us," said Lloyd L. House, executive director of the Phoenix Urban Indian Project.

Indian women—Annie Wauneka and Susie Yellowtail and others—kissed him in gratitude. And so did the children.

"Thank you," Hayden could be heard saying on occasion. "I'm as proud as you are of the hospital."

Minutes before the ceremony began, Hayden rose from his wheelchair with scarcely any aid. With House gently holding his left arm, Hayden walked 30 feet to the speaker's platform and climbed four steps to a first-row seat.

He rose and stood erect, head slightly bowed, when the national anthem was played by a Marine Corps Reserve band from the Phoenix Indian School.

Hayden remained standing while the invocation was offered by the Rev. Roe B. Lewis, counselor for Indian education for the United Presbyterian Church.

As Mr. Lewis intoned "bless this hospital so that whatever may be said and done here will be to thy honor and glory," Hayden shook his head a bit as if to indicate his approval of the words.

The plaudits for Hayden then came from all the speakers: Dr. Charles S. McCammon, director of the Phoenix Area Indian Health Service; Dr. Ernest C. Siegfried, director of the new hospital; Alexander Lewis, governor of the Gila River Indian Community Tribal Council; Dr. Emery A. Johnson of the U.S. Indian Health Service, and Dr. Robert L. Bennett, director of the Indian law center at the University of New Mexico.

A bronze plaque commemorating Hayden's work for the hospital was presented to him by Thomas A. Segundo, chairman of the Papago Tribal Council.

Segundo described Hayden's work for the hospital as "an achievement in American statesmanship unsurpassed in this century."

A crowd of 500 rose and applauded. Hayden stood up, too, but he did not move to the microphone. He extended his right hand toward the crowd and uttered, "Thank you, thank you."

When he sat down, he turned to look at the hospital once more. A smile graced his face, his eyes sparkled beneath the glasses

and for a few fleeting seconds it seemed as though he was invigorated by the pride and joy and the satisfaction of helping others achieve greater human dignity.

That, this day, was Carl Hayden's reward for a lifetime of helping others from every walk of life.

And he obviously considered it priceless.

WELFARE PROGRAMS

Mr. BYRD of Virginia. Mr. President, I feel it would be completely irresponsible for the Senate to pass a far-reaching welfare proposal in a session which, at the most, has only 8 more days to run.

The proposal has been called welfare reform but in no sense of the word is it a reform of the welfare system.

In fact, it would more than double the number of persons on welfare. According to the Department of Health, Education, and Welfare, there are now approximately 10 million persons on the welfare rolls.

Under this proposal, the one which is now before the Senate, the number would rise to 24 million.

It would increase the Federal cost of welfare programs from $4.4 billion in the last fiscal year which ended June 30, to $11.8 billion in the next fiscal year.

Mr. President, after a great deal of difficulty, I obtained this $11.8 billion figure, in a letter to me from Secretary of Health, Education, and Welfare Richardson. That is the figure for fiscal 1972.

Legislation now before the Senate, presented to it only yesterday, is 139 pages long and extremely complex. It was worked out by the Department of Health, Education, and Welfare and a few Senators, after the Senate Finance Committee had rejected similar proposals on three separate occasions.

In the words of Secretary Richardson himself, this proposal is, "revolutionary and expensive."

Mr. President, I submit that this revolutionary and expensive plan should be fully debated. There is plenty of time to do that in January. There is no reason why it should be rushed through here in the last 8 days of the session.

I think it would be a great mistake. I think it would be very ill advised should the Senate attempt to rush this legislation through in the closing hours of the session.

Mr. President, I want to say in that regard, however, that I shall vote against any tabling motion. I would like to present my own views in some detail, but within a reasonable length of time. I have no desire to hold up a vote on this welfare program.

I do want to say, however, that in my judgment it would be completely irresponsible in the closing 8 days of this session for the Senate to pass a welfare bill which would more than double the number of people on the welfare rolls.

I state again that the Federal cost of the welfare programs for the fiscal year which ended this past June was $4.4 billion. Under the new program, it would be $11.8 billion for fiscal year 1972.

Mr. President, I ask unanimous consent that an article published in the Des Moines Sunday Register of December 13, 1970, written by Clark Mollenhoff, the Register's Washington bureau chief, be printed at this point in the RECORD.

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

[From the Des Moines Register, Dec. 13, 1970]

CLAIMS WELFARE TEST "RIGGED": GAO SAYS FIRST REPORT "MISLEADING"—FAMILY AID PLAN BASED ON PROJECT

(By Clark Mollenhoff)

WASHINGTON, D.C.—New Jersey tests that were the basis for Nixon administration confidence in the family assistance plan were "rigged," Senator John J. Williams (Rep., Del.) said Saturday.

He told The Register that the record of the Senate Finance Committee will demonstrate that White House Counselor Daniel Patrick Moynihan had a key role in the "rigging" of reports to make them appear favorable.

Moynihan argued that the Office of Economic Opportunity (OEO) reports on the New Jersey graduated work-incentive experiment showed "no evidence that work effort declined among those receiving income support payments."

"On the contrary," Moynihan said, there is "an indication" that those receiving the welfare payments "increased . . . the work efforts."

SEQUENCE TOLD

The Senate Finance Committee record shows the following:

Moynihan was put on notice by Dr. John Wilson, OEO research director, that the test period was too short and the data inadequate.

Moynihan directed that Dr. Wilson prepare the report, and under this pressure the report was prepared last February.

The White House staff used the OEO report to prepare charts to sell the family assistance program to President Nixon and to sell it to the House Ways and Means Committee.

The Senate Finance Committee directed the General Accounting Office (GAO) to examine the OEO report on the New Jersey project. The GAO said the OEO conclusions were "premature," prepared on the basis of "inadequate data," and were "misleading."

Senator Williams said he will make an issue of the "rigged" record when the family assistance program comes before the Senate in the next week.

TELLS OF OBJECTION

Senator Williams said he is certain President Nixon had no knowledge of the manner in which Moynihan and the Department of Health, Education and Welfare used the OEO tests to sell the family assistance plan.

Senator Williams said that he questioned Dr. Wilson and obtained vertification that he has objected to using the data, but had given in.

The OEO funded the New Jersey experiment in late 1968. Some parts of the program in Trenton, Paterson and Passaic had been under way less than a year when Dr. Wilson was directed to make a report.

Dr. Harold W. Watts, who designed the project, stated in a paper read before the American Economic Foundation in May, 1969, that any reliable result of the New Jersey experiment would not be available until the project had run at least two years, Senator Williams noted.

He said that Dr. Wilson had acknowledged that there was a "colorful" exchange with Moynihan at the White House in which Moynihan's temper flared as he criticized economists as "never having an answer until it is too late."

It was in that setting that Dr. Wilson had snapped back: "I'll get some answers."

Dr. Wilson said he told Moynihan of the difficulty of drawing conclusions on the program, but insisted that the report he presented in February, 1970, was his best judgment in the light of the limitations.

DEFINES "REFORM"

Senator Williams said he is in favor of "reform" of the present welfare programs, but that the present family assistance program is not the "major reform" it was hailed as by former HEW Secretary Robert Finch and the present Secretary, Elliot Richardson.

"When the term 'reform' is used in connection with legislative proposals it means one of two things," Senator Williams said. "Either it proposes to take away from someone something which he is now receiving, but to which he is not entitled, or it is to give someone something which he is not getting but to which he is entitled."

Williams declared that the so-called "reform" of welfare now pending before the Senate is filled with "disincentives" that flow from reports such as the one from New Jersey. He said members of the Senate Finance Committee became aware of the lack of "reform" in the plan, and this explains why the majority of the Republican committee members have been opposed to it.

The fact that the House Ways and Means Committee relied upon the New Jersey OEO report is found in the committee report that states:

"We believe that these preliminary data suggests that fears that a family assistance program could result in extreme, unusual, or unanticipated responses are unfound.

"Furthermore, we believe these preliminary data from the New Jersey project indicated that a family assistance program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments," the report said.

The General Accounting Office found "serious questions as to the appropriateness of the conclusions drawn" about the same program.

"The data reflected in the OEO report represent less than a year's activity," the GAO stated. "Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusion as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading."

Senator Williams said the GAO report stated flatly that "it is wrong to conclude" that the persons on welfare roles increased their work effort when compared with those who are not receiving government checks.

"The only evidence we find in the OEO report to support this statement," said the GAO, is a chart that has "defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

The GAO stated that the report it was making could not be based upon access to full data because the OEO placed "constraints on our access to the full data base accumulated during the experiment."

GAO auditors said: "We believe that a number of important qualifications which are omitted from the OEO report are necessary to proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the

completeness of the presentation of the data in that report.

"Our work proceeded with some difficulty because of the objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental," the GAO explained.

QUESTIONABLE CONCLUSION

In one instance a controversial chart is based on only 318 of the 509 families participating in the experiment in Trenton, Paterson and Passaic.

"The data on 191 of the families (37 per cent of the families) was not used by OEO's contractor in preparing Chart IV because of problems in the interviews and coding of the data," the GAO stated. "Based on generally accepted statistical standards, we believe that the conclusions are made highly questionable if drawn from data in which this large an attrition has occurred."

It was noted in the GAO report that the OEO contractors' basis for for determining whether family earnings changed was a comparison of weekly earnings.

The study compared the family's weekly earnings in the period prior to the enrollment interview with earnings 10 to 12 months later. The criteria for determining whether a family's earning had increased or decreased was that it must be 20 per cent up or 20 per cent down to register as either an "increase" or a "decrease." Otherwise, it was registered "not to have changed."

The GAO called attention to the combining of periods of one year and 10 or 11 months in the same chart, and also noted that in one city the comparison was in August and in the other it compared income in January with November and December.

This practice is "a violation of good statistical practice" and it termed the conclusions drawn from this key chart as being "highly questionable."

Senator Williams said the cost figures presented before the House Ways and Means Committee are now "admittedly unrealistic."

In the committee, the administration had initially projected a cost of $8.2 billion annually, compared to present welfare cost of about $4.5 billion.

The amended version submitted to the Senate Finance Committee June 23, projects $9.1 billion—an increase of $900 million over figures mentioned only a few weeks earlier.

Following the questions raised by Senator Harry F. Byrd, Jr., (Dem., Va.) during the hearings, HEW has now projected costs of $10.8 billion—a 25 per cent increase over estimates made just a few months ago.

MORE RECIPIENTS

Williams asked "what kind of a reform is it" that boosts the number of welfare recipients from 10,436,000 to 23,784,000—a 128 percent increase. He noted that in many states the number of welfare recipients will increase more than 400 per cent.

Iowa had 92,300 on welfare rolls as of January, 1970, but under the Nixon administration's program the number would be increased to 235,700—an estimated 155 per cent.

Williams noted that an agricultural state like North Dakota had only 16,583 on welfare in January, 1970, but would have 96,900 on welfare under the Nixon administration program—an increase of 485 per cent.

South Dakota had 22,110 on welfare rolls last January, but under the bill would boost welfare rolls to 107,400—an increase of 386 per cent.

Mr. BYRD of Virginia. Mr. President, I point out that this article deals with the welfare program and with an interview that Mr. Mollenhoff—a very able, conscientious, and reliable reporter—had with the distinguished senior Senator from Delaware (Mr. WILLIAMS) who has made such a study of this program and under whose leadership the facts concerning the new program were developed so fully in the Finance Committee. To a considerable extent, as a result of Senator WILLIAMS' ability and his probing into the cost of this program and into its lack of work incentives. I think that Senator WILLIAMS of Delaware, more than any other individual, deserves the credit for the Finance Committee three times turning down this program. The committee substituted what I think is a sound suggestion. It would test the program by setting up some pilot projects and letting some experiments be made and then bringing the results back to the Senate. The Senate then can accept the good parts and reject the bad parts.

Let us not go into a new program which the Secretary of Health, Education, and Welfare himself says is "revolutionary and expensive" until we first test it out on a smaller scale before we put it into effect nationwide.

I thank the distinguished Senator from Missouri for yielding.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the able Senator from Missouri yield to me with the understanding that he not lose his right to the floor and with the further caveat that the resumption of his remarks will not count as a second speech against him?

Mr. EAGLETON. Mr. President, I yield under those circumstances.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with U.S. Army.

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

U.S. ARMY

The legislative clerk read the nomination of Lt. Gen. Harry Herndon Critz, major general, U.S. Army, to be a lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. BYRD of West Virginia. 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.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. BYRD of West Virginia. 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.

U.S. DISTRICT COURTS

The legislative clerk read the name of James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. BYRD of West Virginia. 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.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, IN THE ARMY, IN THE NAVY, IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy and Marine Corps, which were on the Secretary's desk.

Mr. BYRD of West Virginia. 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.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

Mr. RANDOLPH. Mr. President, will the able Senator from Missouri yield?

Mr. EAGLETON. Mr. President, I ask unanimous consent that I might yield to the able Senator from West Virginia without losing my right to the floor and without my resumption constituting a second speech.

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

THE FILIBUSTER IN THE SENATE HAS CREATED A LEGISLATIVE SHAMBLES

Mr. RANDOLPH. Mr. President, before I came to the Senate in 1958, I had stated to the West Virginia constituency that I wished to represent them on the basis of the facts. I said many times that I felt there was a deterioration in the consideration of the public business when a filibuster was resorted to in the Senate of the United States by either the proponents or opponents of a legislative proposal or proposals.

I felt very strongly then, as I feel very strongly now, that there is a need to ac-

commodate ourselves not only to the principles of the legislation before us, but also to the practicalities of the legislative procedure.

Such a situation exists today. The impasse in the Senate has created a legislative shambles.

I sense that the people of the United States today and in the days ahead will be well within their rights in criticizing the Senate if it fails to resolve the matters that are before it. It leaves us in a posture of a failure as individuals and as a composite body to do business and to do it within a prescribed period of time . . . a reasonable time.

Mr. President, I am not critical of any Senator in presenting his viewpoint. But I think that we must realize now that we have only a reasonableness of debate in the presentation of vital matters. But we have discussed hour on hour in this Chamber points of view prior to the few minutes that I am now talking. Debate needs to be well reasoned in content. There is a responsibility which we have to the people of the United States, as well as to ourselves, to accommodate our procedures to the needs of the American people for the legislation which is still pending and is crucial legislation. We seek to aid people and communities, to advance work programs, and to strengthen the economy and provide for the public welfare. All of these issues are of concern to millions of our citizenry.

We must not allow ourselves to be hung up, as it were, on three or four or five items which sometimes become really obsessive with either the advocators or those who oppose them.

Mr. President, I want to be certain that my words are in propriety and good taste because I recognize the deliberateness of this body, the ability and, yes, the earnestness with which Members discuss matters of importance to them, to the country, and to the world. But there is a time to desist.

In 1958, one of those planks in the platform on which I ran was to do what I could to revise the Senate rules in reference to debate. I believe, frankly, that when a majority of Senators wish to come to grips with an issue they should do just that.

I have been chosen in elections in West Virginia to serve in this body, not by two-thirds or three-fourths of the votes of those who were present and voting in my State on those occasions, but by a majority of those who went to the polls. They either elected or rejected the candidates on the basis of majority rule.

So it is not satisfactory to me to see three-fourths of the Senate present and voting or two-thirds of the Senate present and voting, to bring cloture. A majority of Senators present and voting, I repeat, should work their will and to bring about a lessening of debate. Even then—and we often forget this—there is 1 hour which could be used by each Member of this body after that cloture has been invoked, if it were invoked by a majority of the Members of this body, rather than the present two-thirds of formerly the three-fourths.

Mr. President, this morning the Washington Post published a lead editorial entitled "The Filibuster Senate." It is not often I agree with all the words or the general concensus of an editorial. But to this editorial comment I give my complete endorsement. I call to the attention of my colleagues and others who may read the RECORD and read thereon this editorial, that the Post writer has set forth very valid presentation of the situation—almost a legislative shambles—in which the Senate now finds itself. We must not do again, what the Senate is now doing—or has not done—in the years ahead.

When the 92d Congress begins in January, we must address ourselves quickly to a revision of the rules.

The editorial states:

Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

I supported that amendment for the direct election of the President.

Mr. President, I ask all Senators to give exceedingly careful consideration not so much to my words, but to the commitment that I think they, with me, must make.

Yes, we must have well-reasoned debate as to time and content and then a vote of "aye" or "no" by Senators.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the editorial entitled "The Filibuster Senate," published in today's Washington Post.

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

THE FILIBUSTER SENATE

For some years this newspaper has contended that the Senate is not a modern legislative body because of its toleration of unlimited debate. During the last few weeks the Senate itself appears to have proved the point beyond the shadow of a doubt.

The filibusters in the lame-duck session have been of the mini variety, but their result has been to throw the legislative program into a state of deep confusion and frustration. The Senate has been literally unable to cope with several of the great issues of the day because a few of its members insist on thwarting the majority will. There was a time when the word "filibuster" conjured up images of long-winded Southerners talking a civil rights measure to death. Now it is the commonest tactic of liberals and conservatives alike and of tiny factions as well as large minorities.

Despite the great pressure on the Senate to clear its congested calendar in the few days that remain, Senators Fulbright and Gravel held up the foreign aid bill for two days in a futile effort to convince their colleagues that the proposed $255 million in aid for Cambodia would lead to a commitment to the present regime in that country even though the legislation itself would prohibit the President from sending in any ground troops or military advisers. Fortunately a vote was finally permitted. The Senate has been further plagued by threats of extended debate on the trade bill and on the conference report involving the controversial SST project. This newspaper has opposed both the trade bill and the SST, but we do not condone stringing out the debate so as to prevent a vote.

The basic trouble is, of course, that the Senate has dawdled along through most of its 1970 session. Several long filibusters when the pressure was less intense left it with an unmanageable burden as the end of the session approached. Undoubtedly many of its debates were highly educational, to use the euphemism customarily employed by the filibusterers themselves. The seven weeks of discussion of the Cooper-Church amendment to limit the war in Cambodia, for example, was of truly national significance. Yet the fact remains that a legislative body confronted by a mountain of vital issues can no longer afford the luxury of unlimited debate on anything.

Nor is there any real hope in the cloture rule which can be invoked only on a two-thirds vote. It is rather an invitation to the obstructionists to keep on talking. One of the most constructive proposals to come before Congress in recent years—the proposed constitutional amendment for direct election of the President—failed a few months ago because the Senate majority in favor of it could not muster a two-third vote to end a filibuster. In our view, the Senate's first order of business in 1971 should be reform of its cloture rule.

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. EAGLETON. Mr. President, just last week the Senate discussed the issue of the supersonic transport at some length and agreed to the amendment sponsored by the Senator from Wisconsin (Mr. PROXMIRE) deleting the requested $290 million from the Department of Transportation appropriation bill.

In fairness, Mr. President, the discussions on the floor of the Senate and the debates on the floor of the House have not dealt with the many questions that are raised by the request for funding for the SST prototype program in sufficient detail. There are still many unanswered questions that go to the heart of the ultimate decision as to whether the Government should continue to provide taxpayer funding for this private endeavor.

The potential environmental problems that have been identified by a number of distinguished Senators and Congressmen and scientists remain unsolved for the most part. It is not productive to suggest, as President Nixon did at his recent press conference, that the "arguments" advanced by the conservationists "can be answered." Rather, we must insist that the potential as well as the existing, acknowledged environmental problems be exhaustively investigated over a time frame that will be sufficient

to produce reliable evidence that the effects of the SST will be tolerable and acceptable to man and his natural surroundings.

In this connection, I have been impressed with the statement made on behalf of the Federation of American Scientists that the time schedule established by the administration for testing and investigating the environmental effects of the SST is insufficient. In essence, the federation says that we will know whether the SST is economically plausible before we know whether it is truly environmentally safe. They say that an economically plausible but possibly environmentally very unsound SST may be produced and flown in fleet service as a consequence of the fact that we must hurry our scientific investigations of the environmental effects of this most unique aircraft to meet the schedule set for the prototype program.

It is always difficult to prove a negative. It will be difficult and time consuming to prove to an acceptable degree of certainty that we can live with the SST. But that is one of the important issues that we must consider carefully and thoroughly. Can we afford to pay $290 million now to produce a plane that may create environmental hazards that may cost more millions or billions of dollars to rectify. Some of those problems would be irremediable at any cost. Is it not the height of fiscal irresponsibility to pay for this generation's slight travel convenience at the risk of exposing this and the next several generations to potentially huge dollar liabilities for correcting environmental damage?

One of the many letters I have received from Missourians who oppose continued funding of the SST prototype program enclosed an article by Eliot Porter in the St. Louis Post-Dispatch, dated Tuesday, October 20, 1970, and entitled "Skeptical Reaction to SST Assurances." That editorial reads as follows:

Administration assurances that the proposed supersonic transport plane will leave the environment unscathed have met with skepticism.

Among the questions raised, but so far not resoundingly answered, are:

(1) Will the giant plane be permitted to fly at supersonic speeds over the United States?

(2) Will its engines consume ozone in the upper layers of the atmosphere, resulting in an increase in the amount of ultraviolet radiation reaching the earth's surface?

(3) Will gaseous exhaust particles form a layer of dust in the stratosphere that will cut down on the sunlight reaching the earth and alter weather patterns?

(4) Will water vapor from the exhaust condense in the icy upper air, much like the exhaust of an automobile on a winter morning, adding an almost permanent new stratum of wispy cirrus clouds to cut down sunlight even further?

The official position of the Federal Aviation Administration and the Department of Transportation is that supersonic speeds will not be permitted except over the ocean so long as the boom is "unacceptable." The FAA has declined to exercise its authority, conferred by Congress last year, to ban overland supersonic flights altogether.

William M. Magruder, the Government's SST project chief, recently characterized the sonic boom as "an annoyance, a nuisance," and suggested that aircraft design improvements combined with public familiarity with the experience would lead eventually to public acceptance.

President Richard M. Nixon promised when he endorsed the SST development program in September 1969 that supersonic overflights would be prohibited. Doubts rose when he told children on an Art Linkletter broadcast last summer, "In 1980, you will go from Washington to Los Angeles in an hour and a half."

The sonic boom is an unavoidable fact of nature, like gravity. It is created by the rolling shock wave that follows the plane like the wake of a ship. Though it continues as long as the plane's velocity exceeds the speed of sound, the listener hears it only once, as the wave crashes against his eardrum.

The shock wave is generated because above the speed of sound the air cannot move out of the way of the plane and so piles up in an invisible mound at the plane's nose.

As with a boat, there are actually two waves, one at the prow and one at the tail. The distance between them partly determines the magnitude or "pressure signature" of the blast. The 300-foot SST would generate a larger pressure signature than any plane now aloft.

The pressure signature is influenced also by the weight of the plane, which forces the air into a split-second increase above normal air pressure, followed by an equally sudden drop below normal levels.

In a series of supersonic flights conducted by the Air Force over Oklahoma City in 1964 to test public reaction, the average overpressure reading was 1.3 pounds a square foot.

Engineers of Boeing Airplane Co. estimate that the SST boom overpressure will range from two to four pounds a square foot. However, they concede that certain weather conditions and some landscape or building configurations can focus and channel the shock wave to produce a superboom with an overpressure of as much as eight pounds.

The Oklahoma City tests cracked windows and plaster and caused other building damage. Claims paid so far have totaled $218,338.

Using the Oklahoma City experience as a base, opponents of the SST project conclude that the damage from SST flights along the nation's commercial airways would total $24,000,000 each day.

Some damage has been beyond price. In 1966, a sonic boom loosened 80 tons of rock in Canyon de Chelly, Arizona, destroying several prehistoric Indian cliff dwellings.

Local action is useless, opponents point out. A federal court ruled in a case in which Hempstead, N.Y., tried to prohibit overflights from Kennedy Airport that the Federal Government had sole jurisdiction over air traffic.

Federal officials admit that the SST will create more noise during takeoffs and landings than do conventional aircraft. There is disagreement among them about the degree.

According to the FAA's own guidelines for residential development in the vicinity of airports, even the lowest official estimate of SST takeoff noise would render the area surrounding a medium-activity airport, such as Lambert-St. Louis, unfit for human habitation for a radius of nine miles.

Ambiguous as the administration's assurances on overland flights by SST's in the United States may be, and regrettable as it may be that the bill to ban overland flights of SST's will not become law in this session of Congress, there is no question that SST's will fly at supersonic speeds over water if they fly anywhere at supersonic speeds. That would seem to suggest that nothing can be hurt by supersonic flights over the oceans, but authoritative suggestions to the contrary have been made.

I recently received from the author a copy of a paper by Bo Lundberg, a Swedish aviation consultant and former director general of the Aeronautical Research Institute of Sweden, entitled "The Economy and Sonic Boom of the Sea-Limited SST." Mr. Lundberg states in his paper that if boom tests over ocean areas are not made soon, the proponents of the SST run the risk of having to scrap all SST's because of the effects of oversea booms. I will first read the abstract of the paper and then the paper itself:

ABSTRACT

The SST boom would be at least 10 times too strong for being acceptable *over land*. Several countries have already, de facto, prohibited supersonic overflights. Nevertheless building of production aircraft of Concorde and prototypes of the US SST has been started on the assumptions (a) that the boom will not cause appreciable harm *over sea*, and (b) that supersonic operation restricted to sea routes will be an economic success.

Both assumptions are incorrect. SST booms will undoubtedly cause severe disturbance, fright and risks of accidents to people at sea. The burden of proof that these effects are acceptable rests with the SST investors. They should therefore carry out adequate *boom tests over sea*, this being also in their own interest: If such tests are not made very soon, they run the future risk of having to scrap all the SSTs when the operation has become so extensive that the frequent oversea booms have definitely become intolerable. Then people at sea and governments of shipping and fishing nations will certainly find ways and means of stopping the activity.

Restriction to supersonic speed over water only will result in huge operation losses. A thorough *investigation of the magnitude of the losses* is of paramount importance also for people at sea: The result would contribute to solving the boom problem by discouraging many airlines from buying SSTs.

The only real argument for sea-restricted SST-operation—the huge investments already made—is, however, apparently deemed so strong that the prospects of halting the development, while waiting for the results of oversea boom tests and economic studies, seem remote. Most likely, therefore, oversea SST operation will be launched.

But then, as the operation losses escalate, the SST investors will be severely tempted to request permissions to fly supersonically over land. To resist this there is an urgent need for *sleep disturbance research* for confirmation that the SST boom is far too severe for being acceptable over land.

REVIEW OF THE MOST ESSENTIAL CONSIDERATIONS

The question of meaningful sonic boom research required for governmental SST boom policies must be judged on the basis of the whole current situation with respect to the SST, above all the *boom policies already adopted* and the *economic viability* of and *need* for civil supersonic flight.

Several countries have already forbidden supersonic SST flight either unconditionally or conditionally, the condition for permission usually being that the boom must not cause hazards to health or damage to property.

For sick and old people, and people who have sleeping difficulties—the "critical group"—frequent sleep disturbance by SST booms would be detrimental to their health. The vast boom carpets will inevitably cover also such people. In order to comply with the "sleep criterion"—i.e. people belonging to the

critical group must not be subjected to appreciably sleep disturbance, at night or in day time—the boom must be reduced to less than 1/10th of the predicted level for current SST projects.

For these projects the sonic boom cannot, of course, be reduced at all. For future SST generations even a reduction of the boom to half the level for the current projects would be entirely insufficient for acceptability over land—disregarding the fact that such a reduction is generally deemed impossible even on very optimistic assumptions about advances in boom minimization. The current "conditional bans" of SST booms over land have therefore the same prohibitive significance as unconditional bans.

The national *de facto* prohibitions already issued make SST operation over land essentially unfeasible. In spite of this, decisions have recently been made to build production aircraft of Concorde and prototypes of the Boeing SST. These decisions are stated to be based on a supersonic market reduced to oversea routes only. This is in direct contradiction to the following condition for acceptance of the SST stipulated by IATA in 1962, the year of the decision to build Concorde:

"Economic operations at supersonic speed must be practicable (i.e., not be hampered by the boom) over inhabited areas at any time of the day or night."

Surely, no one—least of all the current SST investors—would at that time have dreamt of proceeding with huge investments in SST developments had it been foreseen that the aircraft will not be permitted to fly over land at the speed it is designed for—an exceptional handicap in competition with subsonic aircraft.

The only conceivable *real* reason for the decisions to proceed is the enormous investments in SST developments already made, today almost 2 billion dollars. The decisions are defended by firm statements (a) that the SST boom will be acceptable over sea, and (b) that the "sea-limited" SST will be an economic success. Both assumptions appear to be incorrect.

The SST booms will be particularly strong in waters close to the coasts where the climb boom carpets will be placed. In the first vast portion of these carpets the nominal (i.e., unmagnified) boom will amount to 3 or 4 psf. Most likely such booms will *in calm weather* be almost equally startling to people on deck of boats *at low speed* (sailboats and boats at reduced engine power) as they are to people outdoors on land. In the Edwards test almost 100% of the test subjects judged such booms as entirely unacceptable. Booms of 3 or 4 psf were also found to be equally disturbing as airport noise of 129 PNdB, a level commonly considered as unbearable.

Furthermore, the climb boom will sometimes be magnified by atmospheric effects to superbooms of some 6 psf, and occasionally 10 psf or more. And the focusing of the shock waves in the "horseshoe" initiating each boom carpet will *always* result in superbooms of 6 to 15 psf. The horseshoes are thin, some 200 ft, but they will undoubtedly hit boats occasionally because it will not be possible to place the horseshoe accurately enough for avoiding any particular object.

It is beyond doubt that superbooms exceeding 6 or 8 psf will be very frightening in relatively calm conditions, and also that such booms will often effectively penetrate the noise and draught usually prevailing on boats. Because of the startle effect such booms, at any rate those exceeding about 10 psf, must be regarded as potentially dangerous for crew members working on deck and for passengers with a heart disease.

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

Mr. EAGLETON. I am pleased to yield for a question.

Mr. PROXMIRE. I would like to ask the Senator, in connection with what he has been saying, if he does not think that under these circumstances, that is, the circumstances, as I understand them, that the sonic boom could have a serious adverse psychological effect on the health of the person who suffers it, it is absolutely essential that those who serve on the environmental commission which would use the $27 million provided partly in this bill should include at least one competent person from the Department of Health, Education, and Welfare—one person who has some knowledge of physiology, some professional background, some experience in this area—especially in view of the fact that Dr. Egeberg, the top health man in our Government has written to Secretary Volpe and indicated his deep concern over the effect on health of not only the sonic boom, but various other aspects of supersonic flight, and has suggested lines along which research should proceed in order to provide effective answers.

Under these circumstances, does it not seem fair and logical that the committee should include at least one person from HEW or some other health group—AMA, perhaps, or some other competent medical group—that could evaluate this information?

Mr. EAGLETON. I think the Senator from Wisconsin is eminently correct. Most people, in their discussion of the sonic boom problem, have viewed it in terms of its inconvenience and its momentary discomfiture. If it were reduced to just that, meaning a minor inconvenience or a minor irritant, perhaps, it might be deemed to be tolerable. But the very point that Mr. Lundberg is making in his paper, and that others have made likewise, is that it is more than just an inconvenience and a temporary discomfiture, and it poses very serious, genuine, and deep questions insofar as human health is concerned.

Thus, I think that the Senator, in posing his question to me, where he states, "Is it not almost inconceivable that someone representing the field of health"—he suggested perhaps someone from HEW, in the public field, or in the private field he suggested AMA—"someone knowledgeable in health effects and experience in the ramifications that might be created by going into a new program that would have far-reaching and unforeseen health effects, that someone from that important area is not represented on this important policymaking body," is absolutely correct, and I agree with him wholeheartedly, that not only with respect to the boom, which is the point we are discussing momentarily, but also with respect to other aspects of the SST, whether it be take-off and landing noise, with the health effects that might have on the ability to hear, with its potentially dangerous and deleterious thermopollutant aspects, and so forth, that health is as much in the picture of the SST as any one separate area in government or any separate area of concern. It is not just the economy, albeit that is important. It is not just priorities, albeit that is important. It is not just what it would do to the environment, and we all know that is important. But, in this mix, along with environment, along with the economy, along with priorities, is the health question. Someone from the field of health, someone knowledgeable in this area and concerned about it, should be part of the body that would be overseeing this kind of undertaking.

Mr. PROXMIRE. Is it not true that in the President's ad hoc committee which considered the SST at his request in 1969, one of the agencies represented was the Department of Health, Education, and Welfare; and the Department of Health, Education, and Welfare's representative expressed some very serious reservations on the supersonic transport, so serious that, as I understand it, that was one of the principal reasons why it was agreed that further research was essential and that we should spend these tens of millions of dollars on research before we proceeded with full production of the SST?

Under these circumstances, and in view of the fact that, to all of us, human health, human life, is the most precious asset, most precious element we can protect, it just seems unconscionable to this Senator that that Commission was appointed without anybody of any competence in this area. This Commission includes representatives of the aircraft manufacturers, of the airlines, of the Air Force, of the Space Agency, of the Transportation Department. And these are fine people. But there was nobody in a position to evaluate these findings from the standpoint of health. So that in the event that some information is available that does suggest that the SST would cause illness of some kind, that it would have the kind of adverse physiological effects to which Mr. Lundberg refers in the article to which the Senator from Missouri was referring, there would not be anybody on that committee who could give a competent professional judgment; and therefore we would get a report on the SST to Congress and the people in which we could have very little credibility and very little reliance.

Mr. EAGLETON. I could not agree more with the Senator from Wisconsin.

It is at least curious—if not some other more applicable word—that when some serious questions were raised in the past, in not the far-distant past but the recent past, by the Department of Health, Education, and Welfare about potentially deleterious health effects of the SST, and their suggestions were that more research would have to be done and should be done in the interest of public health, on a Commission of this prestige would be left out any representative from the agency that had leveled this previous criticism. I do not know whether the price of criticism is that you will find that your advice is further discontinued or ignored or that you will but shut out from any further deliberations. But it would appear in this instance that the health effects have just been dismissed; that insofar as the Commission is concerned, they will consider matters of production, matters of technique, matters monetary, and so forth. But those things relating to human health will be ignored, at least by their underrepresen-

tation and nonrepresentation on this committee.

Mr. PROXMIRE. If the Senator will permit me one more question at this point——

Mr. EAGLETON. I yield for a question.

Mr. PROXMIRE. Is it possible that the typical American taxpayer, the typical American who is concerned about many things, who is concerned greatly about the health of his family and himself and about the heavy taxes he has to pay to the Federal Government, gets very little out of this that is positive? He is going to have to pay for it. He is going to have to pay $290 million or $210 million if this conference report goes through this year. It will be $1.5 billion if we stick to the present plan, and many experts think we will have to expend $3 to $4 billion, all of which may very easily be lost. In addition, if some scientists and physiologists who have expressed their concern about this are correct, he has to suffer the risk and take a serious risk with respect to his health.

It seems to me that in view of the fact that a fraction of 1 percent of the American people fly regularly overseas—even projecting this 20 years, very few people, no more than 2 or 3 percent of the American people, will fly regularly overseas—the overwhelming majority of the people can get nothing out of it but higher taxes and danger to their health. So it is beyond me to understand how we can argue that this is something in the public interest, in the interest of the American people.

Mr. EAGLETON. I think that by that question, the Senator has really gone to the very heart of the issue here, going beyond the ecological ramifications of the SST. He is correct, of course, in his analysis that were this aircraft ever to become operational, were it to be economically viable, insofar as commercial aviation is concerned, at the very best, at the best of all circumstances, its utilitarian value would be but for a few. Indeed, it would be even for an insignificant few of those who constitute the European traveling public, which, as the Senator from Wisconsin pointed out in his question, is less than 1 percent. A miniscule few of that group, in my judgment, would avail themselves of SST-type transportation, since it is known and agreed that one would have to pay an incremental fare, a substantially increased fare, to travel transatlantic or transpacific on an SST. Even among the small European traveling public or the Atlantic traveling public from the United States to those two continents, I doubt whether there are too many who are willing to pay a fare that some have estimated to be as much as 15 or 20 percent, perhaps higher, than what would be called regular fares, for the luxury of saving an hour or an hour and a half of time.

Mr. PROXMIRE. If the Senator will yield further, the Senator's response recalls to my mind the fact that I did, as a matter of fact, overstate the case in favor of the SST when we talked about people who fly overseas.

If the Senator will recall, just a few days ago the Senator from Illinois (Mr. PERCY) pointed out that he had recently completed an 18,000-mile trip in which he had flown between Europe, Africa, and Asia, flown to various parts of the world. After the trip was over, he sat down to try to figure out when he could have used an SST that would have saved him any time. He said that, for the life of him, he had great difficulty figuring out how he could possibly have used an SST that did not fly over land.

As we know, the administration has committed themselves to prohibiting flights over land. We are hopeful that we can get a bill through that passed the Senate unanimously, prohibiting commercial supersonic flights over land.

Under these circumstances, as the Senator points out, a really small number, a really small proportion of the American people, would use this plane, and even they wolud use it so little as to make this terrific investment, really, for a triviality.

Mr. EAGLETON. Once again, I express my total agreement with the hypothesis and the thrust of the question posed by the Senator from Wisconsin.

I think it was in a recent edition of one of the eastern newspapers—I cannot recall whether it was a New York newspaper or a local Washington newspaper—that there was a little human event item—within the last several weeks—it was not the headline type of story, or on page 1, but buried back in one of the papers in New York or Washington, that a supersonic flight, a 747, from Paris to New York, had landed with a crew of 22 and eight passengers. I think a 747 seats between 340 and 350 passengers in terms of a payload.

Mr. PROXMIRE. Would the Senator repeat that? A 747, a great big jumbo jet?

Mr. EAGLETON. A jumbo jet.

Mr. PROXMIRE. And only eight passengers?

Mr. EAGLETON. And only eight passengers. A regulary scheduled commercial flight from Paris to New York.

Admitting it was off-season, admitting the economy is in some of its more desperate straits, and admitting that there is not much European travel in the months of October and November, admitting all that, the fact is, that attendant on such a dismal payload in this particular instance, shows beyond that fact that there is a breaking point, a point of economic no-return that a traveling member of the public is unwilling to go, insofar as how much he is willing to pay for a ticket to get from New York to Europe is concerned.

As we all know, and as I am sure the Senator from Wisconsin knows because of his extensive research on this subject, the most sought after mode of travel to Europe now, the most coveted and about which there is the most glamor, is to join a travel club, to join the bar association of some city, or join the outdoor garden club of greater New York, and by a nominal payment of dues one becomes eligible to get on a charter flight to foreign countries. These chartered planes fly from all over the country. They fly from St. Louis, and I am sure in the larger cities in Wisconsin, such as Milwaukee, and all the other big cities. They have these charter groups where an individual can save two or three hundred dollars in transportation costs traveling to and from Europe. That is what people are interested in. They are not so much interested in whether they will have the choice of three or four movies. One is enough—indeed, maybe one would be better off without any. Plus the fact that whether we are going to have chef so-and-so, who is now on the radio waves for United Airlines and describes the menu, whether lobster thermidor or steak a la Burgundy, or what have you. Most people, I believe, are willing to forgo all that in the interest of saving two or three hundred dollars. Even a ham sandwich is rather edible if $200 can be saved.

I think since it is so abundantly clear that the traveling public is not willing to be gouged just for the sake of paying more to get an extra frill, a movie, or, indeed, the saving of an hour of time, that the SST is already almost foredoomed, before it would ever fly, to economic failure.

I think, even though some airlines have indicated they would like to have it, and sometimes their indications are a little guarded and some have indicated privately that they do not want it, but even though some airlines indicate they might like to have an SST, in the current scheme of things, I believe that we would be doing the airlines the greatest favor this session of Congress could do for them by discontinuing this program. We have got to protect them from themselves. We have got to protect them from what was mentioned in an earlier speech as the "Judas Goat" theory. That in essence means, I guess, that in the sacred name of competition we go down the course, full steam ahead, although that means economic disaster for both, because if one has a certain item the other must have it regardless of its devastating economic consequences.

I think, maybe, we would, as I say, be doing as great a favor as possible for the airlines, to discontinue the SST operation and to prevent them from their own unintended but resultant self-annihilation.

Mr. PROXMIRE. Is it not true that the airlines in general are in financial difficulty, which is not good, of course. Some of them are losing money. If we take the best year any airline ever had, I believe that this is a fact—I am not positive—the most money any airline ever made was a net profit of $50 million.

How much would the SST cost? They estimate, if everything works well, with no overruns—and I am sure there will be overruns because they are working in a new kind of technology with brushed titanium honeycomb—it will cost $40 million.

What has hurt the airlines and put them in a painful and difficult position is just what the Senator from Missouri is talking about, the fact that they have to follow this "Judas Goat" theory and get what everyone else gets. If one airline gets a jumbo jet, then the other one has to get a jumbo jet. They all have to get into it—in this case of a plane which can fly only in certain areas. So they will be in serious straits.

This is one of the principal reasons why the payment made by the airlines is not the usual 5 percent. It is 2½ per-

cent. They are only making a $1 million downpayment. So if they can escape from this, if the plane does not meet certain narrow requirements, then the $1 million will be returned so that the risk is minimized.

I have talked to some top airline officials, to American airlines, Mr. Quesada, for example, who flatly says that the airlines will be far better off if we kill the SST operation because they would be in a difficult position.

True, as a matter of form, the airline association is in favor of the SST. They have made that commitment. The airlines are in a difficult position, with the CAB and the FAA determining what routes the airlines shall get. The airlines are influenced by these agencies, who are vigorously trying to promote the SST.

The judgment expressed by the Senator from Missouri seems sound to me, that they will be far better off if they are going to be put in the position where they will have to pay out tens of millions of dollars that they do not have, or will have to borrow the money at interest rates which are extraordinarily high in order to buy something that is very likely to be a commercial failure.

Mr. EAGLETON. I agree once again with the Senator from Wisconsin. I think the result will be as I hope it will be, that Congress does cancel and eliminate and end the SST endeavor.

I would speculate that the technical and official announcement from the airline association and, indeed, from some of the air carriers might be that they are for this airplane, but perhaps beefed up in slightly stronger words in the official public relations release, but within the confines of the boardrooms of the giant air carriers of this Nation, there might be almost a victory celebration that they had been spared the burden of getting into this inevitably losing undertaking under the so-called Judas Goat theory, and that some outside force—in this instance the Congress of the United States—had rescued them from themselves and from their own folly.

So I do not think there will be buckets of tears shed by the giant air carriers of this country if the position as taken by the Senator from Wisconsin and others, including myself, ultimately prevails.

Mr. PROXMIRE. If I may ask the Senator one question, to get back on what the Senator was talking about, because I think this is of importance in terms of the priorities, he was pointing out that the sonic boom could have an adverse effect on human health and the other elements that could affect human health adversely.

Is the Senator aware of the fact that this year we are asked to spend $290 million for the SST, which could have an adverse effect on human health, and a total of $350 million, that is all, from the Federal Government to try to find a cure for cancer?

In other words, we are spending very nearly as much on the SST that could injure human health, when no one is admitting that it will help or cure any illness, any sick child, or any sick person, yet we are spending only a little bit more, as a nation, to combat one of the three top scourges that mankind has to face.

Mr. EAGLETON. Mr. President, the Senator also well knows that other bills in other areas are sometimes either vetoed or we have a hint of a veto if they contain $200 million or $300 million above certain Presidential recommendations in certain areas. However, in this area, as the Senator points out, $290 million for the SST is said to be well and good and certainly in the public interest. However, the Senator contrasts that against our national expenditures for research in the area of cancer—and that might also be contrasted with our expenditure in the areas of heart disease, stroke, and other diseases—on a priority basis.

I hope to get into that subject a little later on in terms of those things being available to mankind and the average people of this country. No one is convinced clearly that there is a greater urgency for the SST now vis-a-vis some of the backward situations we find ourselves insofar as public health and welfare are concerned.

Mr. President, I want to continue my analysis of the article I was discussing before the colloquy between myself and the Senator from Wisconsin (Mr. PROXMIRE). I recall that we were talking about some of the potential health consequences and hazards of the SST created sonic boom.

Going on, Mr. Lundberg points out:

In order to prevent appreciable disturbance and hazards to people on boats, the Swedish Air Force has set the lowest permissible altitude for supersonic operation over sea to 5000 m, thereby limiting the nominal boom to 2.8 psf. The nominal SST climb boom (up to 4 psf) will thus exceed this level by up to 40%. And the average daily frequency of SST booms in many coastal areas will be incomparably greater than that caused by the sporadic military operations. In the most "critical" areas, south Long Island, Nova Scotia and Ireland, where the sea traffic is dense, the SST boom frequency will be of the order 50 per day or more.

To sum up, the SST oversea booms will cause severe disturbance, fright and even risks of accidents to people at sea. The incessant and intense SST booms will also in all likelihood have *serious effects on maritime wildlife*, in particular some kinds of seabirds in the breeding sessions.

Clearly, the burden of proof that these harms and hazards are acceptable rests with the SST investors. They should without further delay carry out adequate *boom tests over sea* under international observations.

The number one SST boom research topic is of great importance for people at sea and for all shipping and fishing nations. It is clearly also in the best interest of all SST investors, including potential SST airlines, because of the prospect (which even they must recognize as a possibility) of a later economic disaster: That of having to scrap all the numerous SSTs in service at a future point of time when the detrimental effects of the increasingly frequent oversea booms reaches an intoleratble level, such that a ban on supersonic oversea flights is irresistibly demanded and enforced.

The deficiency in *production economy* of the U.S. SST is illustrated by investigations by two consultants to FAA. Production (including development) cost per SST *vs* numbers built is compared with airline demand of sea-limited SSTs vs price per aircraft. There would be a demand for only 280 SSTs at the often-announced price of $40 million (1967 value) per SST. But the production cost at such a small quantity would amount to $67 million per SST, a loss per aircraft of $27 million, and a total loss of $7.5 billion.

The deficiency in *operation economy*—even assuming a subsidized price of $40 million—is confirmed by some seriously unrealistic assumptions in recent economic analyses, made by (or for) the American SST investors (on which they seem to base their optimism about the profitability of the sea-limited SST). They have *correctly stated* that, because the purchase price of an SST per passenger seat (as well as other cost items) is about 3 times higher than for competing subsonic jets the *productivity per passenger seat of the SST must be 3 times greater*, implying that the SST must be able to make 3 times more flights per year (or on the average per day) on a given distance, e.g., over the North Atlantic. But they have *incorrectly claimed* that the SST can do this because its cruise speed is about 3 times greater than that of the subsonics.

In this surprising statement it is neglected (a) that the block speed (the average speed between airports) of the SST is only about twice that of the subsonic, (b) that every flight is "burdened" by the turn-around time between landing and take-off making the sum of all turn-around times proportional to number of flights, and (c) that also the time required for daily or weekly maintenance and periodic overhauls is roughly proportional to number of flights, not to hours flown, because the wear and tear, number of defects in the systems, and structural fatigue is in the first place dependent upon numbers of flights; this being particularly pronounced with respect to the SST due to the severe aerodynamic heating cycle during each supersonic flight.

The implications of these facts are easily illustrated for the important North Atlantic routes. Whereas the subsonic jet easily makes 2 single flights per day, it seems hardly possible for the SST to average more than 3 single flights. But even if we optimistically assume an average of 3.5 single flights per day, this would only be (3.5/6=) 58% of the number of flights (6) that the SST *should* be able to make in order to be sufficiently productive for competing with subsonic jets.

Furthermore the *amortization time* for the SST is assumed to 15 years instead of the 10 or 12 years applied for subsonics. But 3.5 single flights per day over the Atlantic, to be compared with 2 for the subsonic jet, means that the SST "consumes" its service life at a (3.5/2=) 1.75 times faster rate, implying that the total usable service life of the SST, counted in years, would be correspondingly shorter. This calls for an amortization time for the SST of (11/1.75=) 6.3 years, rather than the 15 years assumed. In reality it would be wise to reduce the amortization time for the SST still more, say to 5 years, because the aerodynamic heating is likely to make each flight relatively more exhaustive than is the case for the "cold" subsonic aircraft.

Against these observations will probably be objected that the structure and systems of the SSTs will be sujected to endurance tests to verify about the same service life in hours of flight as for subsonic jets (some 50,000 hours). This implies a requirement of a safe and reasonably maintenance-cheap life of the SST which, counted in number of flights, has to be no less than (15/11 x 3.5/2=) 2.5 times longer than the life of subsonic jets (corresponding to their average amortization time of 11 years). This would seem impossible to achieve—without an increase in design weight that reduces the payload to zero—even if the SST were not subjected to aerodynamic heating. The severe

heating and cooling cycle of each flight makes the requirement of a service life 2.5 times longer than that of "cold" subsonic jets completely unattainable. It is to demand a miracle.

And the prospective SST buyers will get no proof about the real usable service life of the SST until many years after the purchases, because of the exceptionally long times required for fatigue and endurance tests when a heating cycle must be applied for each simulated flight.

The great deficiency in the productivity of the SSTs and the shortness of their usable service life will result in much higher operating costs than for subsonics. Theoretically the increase could be covered by a high SST fare surcharge. But in practice even a moderate surcharge would scare away practically all potential SST passengers. Why should they pay even a moderate surcharge for gaining a couple of *hours* over the Atlantic when it then usually takes several *days* to adjust to the new local time and be fit for work or tourism?

It follows that "sea-limited" SST operation is bound to result in enormous losses. This has, however, not been recognized in the SST market analyses which all assume a good return on investments. Clearly, the demand for SSTs will fall down drastically once the prospective SST airlines fully recognize the magnitude of the losses.

Quantitative assessment of the losses, both in production and operation, should be of great importance also for the oversea sonic boom issue, because the result would undoubtedly contribute to solving the boom problem by discouraging many airlines from buying SSTs—and this might even lead SST-engaged governments to terminate their projects. *Research on the economic viability of the SST* may therefore be regarded as an urgent SST boom research topic in a broadened sense.

The only sensible thing to do in the present dilemma would be to stop further investments in SST developments until adequate oversea boom tests and economic studies have been made. The weight of the "investments already made" argument is, however, so heavy—and gaining momentum so rapidly now that SST hardware is being produced—that it would be over-optimistic to believe in a "moratorium". We must count with oversea SST operation becoming a reality.

But then, when the losses to the SST airlines have become very great and the "SST governments" find that the airline demand for sea-limited SSTs is much below expectations, these SST investors will be severely tempted to request permission to fly supersonically over land—to begin with over sparsely populated areas.

To resist such requests, by confirmation beyond any doubt that the SST boom is far too severe for being acceptable over land, some further overland boom research should be carried out and be concentrated on topics that are "critical" with respect to the maximum acceptable boom intensity, in particular *sleep disturbance*.

Such research is, in fact, a matter of great urgency, not because present knowledge is insufficient—as shown in this report and stated above the boom tests already made as well as previous research about sleep disturbance due to very weak noise stimuli clearly imply that the SST boom would be at least 10 times too severe for being acceptable over land—but because this knowledge has apparently not been recognized, or deemed as convincing proof, by all the SST-engaged parties. And it is those parties that without further delay need to know, for their decisions in the near future, whether or not there are any chances at all of boom-producing SST operation over land being permitted in the distant future.

This plea for conduction of extended boom sleep-disturbance research as soon as possible must, however, not be misinterpreted to mean that those governments which have not yet decided on their overland SST boom policies should postpone the decisions until this research is finished. It is, on the contrary, highly important that these still undecided governments formulate their boom policies very soon in order to contribute to an unambiguous picture of the prospects and conditions for overland SST operation as a basis for further decisions on the part of the SST investors. As existing knowledge about the effects of overland booms has been deemed sufficient by those countries, including the USA and England, which have already formulated their boom policies, it should be sufficient also for the remaining countries.

That ends the very interesting, and I think problem-posing, if not problem-solving, Lundberg report.

A second category of objections to proceedings with funding for the SST prototype program is concerned with the economic aspects of the venture. The SST will be expensive, and its purchase by airlines would follow massive investments in jumbo subsonic craft that have revolutionized air transportation. According to recent accounts, the airlines already are financially hard-pressed.

In the Washington Evening Star for December 12, 1970, Stephen M. Aug wrote that the 12 major airlines in the United States anticipate a loss this year of $123 million. His story indicates that only four domestic air carriers expect to make a profit this year. But this is only the beginning of the bad news. The Air Transport Association estimates that losses in 1971 will rise to $192 million and in 1972 will reach $279 million.

Mr. Aug's story deals with this subject in some more detail, and I think it goes into the very interesting situation of the current financial dilemma of the airlines. He writes:

TWELVE AIRLINES PUT LOSS THIS YEAR AT $123 MILLION

(By Stephen M. Aug)

The 12 major airlines in the United States anticipate a loss this year totaling $123 million and, for the first time in memory, a decline in traffic growth.

The predictions were made today by the Air Transport Association, a trade organization that represents the scheduled airlines. Association officials said the material made public today was substantially what was reported privately yesterday by airline industry leaders in a briefing for government officials at the Department of Transportation.

Of the 12 major airlines, whose operations account for about 90 percent of the total traffic flow among U.S. schedule airlines, only four are expected to make a profit this year—predicted at $134 million.

ATA did not identify the four airlines, but they are Eastern, Northwest, Delta and Continental.

EIGHT EXPECT LOSSES

The other eight, expected to show a loss totaling $257 million, are TWA, National, American, United, Western, Northeast, Braniff and Pan American.

The anticipated 1970 loss predicted for the 12 last July was $16 million. But instead of continuing growth in airline traffic, the last six months have shown a decline from last year and losses have plunged deeper.

George W. James, ATA senior vice president for economics and finance, said in his statement that domestic traffic for the 12 months of this year will be about one percent less than last year.

The ATA, basing its figures on material supplied by the individual airlines, said the 12 major carriers would probably operate at a loss next year of $192 million, and at a loss of $279 million in 1972. Earlier the predicted losses were $493 million in 1971 and $413 million in 1972.

The association proposed several possible solutions to the airlines' "critical financial situation."

It said the airlines "believe the most immediate and essential step is a general upward adjustment in the fare level."

The association said the industry already has taken a number of steps to cut losses. These include reductions in advertising, passenger services, research and development, future investment and employment. The airlines this year have furloughed nearly 7,000 workers, the ATA said.

The companies also cut back on flights, with the result that there were less frequent flights in the 1,000 largest city pairs last month than there were in November, 1969. The airlines see further cutbacks in service.

They also suggested to government leaders at yesterday's meeting that supplemental airlines "should not be allowed to encroach further into scheduled service markets and the regulations governing their activities should be tightened and enforced."

MERGERS POSSIBLE

The industry also considers mergers to be another possible avenue to improved profits.

James said, "There is also a need throughout government to bring into its decision-making process a general awareness of the serious financial plight of the airlines."

James said that the $192 million loss anticipated for next year could be turned into a $100 million profit with a 5.1 percent increase in average revenues per passenger mile. But he added that in order for the airlines to earn at the rate of profit of 10.5 percent allowed by the CAB, the 12 major airlines would need nearly $1 billion of pretax profits.

Despite deficits predicted for the next two years, the ATA sees a five percent increase in domestic airline traffic next year and 15 percent more international travel.

James showed how profits of the airlines have been steadily shrinking in the past four years. For the 13 major lines, a $412 million profit was reported in 1967. By 1968 it had declined to $262 million, and last year $147 million—for a rate of return of about one percent.

Mr. President, moving onto another issue that is meshed into the SST controversy, I would like to mention, of course, that the Senate's decision on the SST prototype funding was, as we all know, to delete that item from the DOT Appropriation bill.

The Senate's decision on the SST prototype funding was, as we all know, to delete the item from the appropriations bill. Following that action, the Washington Post for December 8, 1970, addressed in an editorial the third category of objections to continued funding of the SST prototype program—the question of priorities and values.

I think it is one of the best editorials that I have read on this subject, and I should like to read it now:

THE SST: WHAT—WE REPEAT—IS THE HURRY?

The House now has an opportunity to nail down rather more tightly the Senate's decision last week to deny further funds for

the production of two prototype supersonic transports (SSTs). Specifically, the lower chamber will be voting—probably today—on a motion by Representative Yates which would reverse an earlier House vote in favor of the project and instruct the House delegates to follow the Senate's lead when the issue comes before a joint House-Senate conference. Since the House originally upheld the SST by only a margin of 102 to 86, there is a very real prospect of a reversal now; some 18 senators have reversed *their* position over the past year, and we hope that at least as many, or more, House members will take a hard look at the nature of that Senate vote and do the same.

For that was no idle expression of narrow interests or shallow sentiment on the Senate's part; it was, in its way, almost an explosion of public concern, as surprising to the backers of the move as it was apparently shocking to the supporters of the SST. What had been "too close to call" turned into a comfortable, thoroughly bipartisan 52 to 41 majority and what it said was that somewhere out there, away from the corporate boardrooms and the offices of the Federal Aviation Administration and the corridors of Congress, a lot of people care more about the quality of life and the nation's urgent economic and social needs than they do about breakfasting in London and New York at roughly the same time on the same day. It was a popular expression of national concern, and the tragedy of it is that the administration, with its characteristics combativeness and quick sense of challenge, couldn't see it, apparently doesn't even suspect it, and can think of nothing better than to strike blindly back with the customary overkill.

One result is that the President's statement in response to the Senate vote, rather like his comments in response to the Carswell vote, becomes by its disingenuousness, not to say downright deception, an argument *against* his cause. The Senate's action, he said, is a "devastating mistake" because, among other things, it will mean the loss "of at least 150,000 jobs"; As Senator Proxmire has pointed out, there is no way to reach that figure unless by counting in all the workers that might be involved in full production of SSTs over the next 10 years which is a long way ahead to look, in terms of the aeronautics industry; that industry has its troubles and its centers, such as Seattle, surely have theirs. But they are troubles related to deeper malaises; according to the Boeing people, less than 5,000 of their workers are involved with the SST as of now.

Mr. Nixon would have us believe that it will cost $277 million to terminate the SST contract, without bothering to add that over $80 million of this sum is not taxpayers' money but payments which the airlines have handed over as an "advance" of sorts on future SSTs and that $105 million of it is money that already has been spent. The President would have us believe, on the one hand that the funds in question will build only two prototype aircraft which can't do much noise or pollution damage by themselves, and that on the other hand it would be a sin and a shame not to press on when we have already spent so much (nearly $800 million) and he can't have it both ways. If it is a sin not to press on now, it will be doubly so when the prototypes are in hand, when the claim will be that we have to go into production and never mind the noise or the pollution threat, because look at what we have invested in them up to now.

So these prototypes cannot be counted as pure and innocent, for they will in the nature of things become a powerful new argument for full production of a monster fleet of SSTs with a frankly unknown—and at this point unknowable—potential for fouling the upper atmosphere and working dangerous climatic changes and encroaching upon our lives with deafening noise and damaging sonic booms. And all this for what has to be counted a striking example of marginal utility gained—a few hours faster flying across the oceans which may not even be a few hours. When you have built new airports and located them a decent distance from population concentrations, the time saved supersonically in the air may well be spent on the ground, in a taxi or an airport limousine.

So we say again: what's the hurry, either to cross the oceans or to build the SST? The President would have us believe, finally, that we might as well hurry because others—the French and the British and the Russians—are going ahead anyway. And our answer is that is not necessarily true. The Russians will have trouble marketing their product in any case. And the British and the French could well prove a lot more receptive than you might suspect to a demonstration of American leadership, in a new direction and founded on a new sense of values which is responsive to new and genuinely urgent human needs.

Mr. PROXMIRE. Mr. President, will the Senator yield with reference to that editorial?

Mr. EAGLETON. I yield.

Mr. PROXMIRE. As I understand, it was an editorial published in the Washington Post; is that correct?

Mr. EAGLETON. That is correct.

Mr. PROXMIRE. It is my understanding also that this is the first time the Post came out against the supersonic transport, though Herblock has had a number of cartoons that have contributed very greatly to an evaluation, as I would look at it, or a critical appraisal of the supersonic transport. But this is the first time the Washington Post came out flatly against it; and I thought it was a superb editorial.

Mr. EAGLETON. In response to the Senator from Wisconsin, I thought it was one of the best that I had read in the entire area, and almost every large newspaper in the country has editorialized on this subject in one way or the other.

To indicate my interest in the editorial and the way it succinctly summed up the issues, I undertook to read it at this time. I believe the Senator is correct that this is the first time the Post had editorialized on this issue.

Mr. PROXMIRE. Since that editorial was written, there has been an interesting new development in the House situation. That editorial was a kind of pitch for House support for our position against the SST, and, of course, we did not get that majority support, in my view in part at least because they did not get a chance to vote directly on the SST; their vote was a matter of instructing the conferees, which is somewhat different.

But a most encouraging development, from my point of view, is that Representative HENRY REUSS conducted a poll of the newly elected Representatives who will take office when we come back January 21, and he was successful in obtaining answers from a very large majority of those newly elected Representatives; and on the basis of the answers he received, if those newly elected Representatives had been voting instead of the lame ducks, those who have been defeated, the SST would have lost in the House of Representatives, even on the instruction motion, which, of course, is a harder motion for those who oppose the SST to win on.

This indicates two things to me. It means a different situation for us in the future, that we will be in a stronger position next year, but it also means that when the people have an opportunity, it is hard to know what people are thinking on various issues, but when they had a chance to vote between a representative who favored the SST and one who did not, they voted, on the basis of the most recent election, in favor of those candidates who opposed the SST; and I think that development adds strength to the very fine editorial the Senator from Missouri has just read.

Mr. EAGLETON. I thank the Senator from Wisconsin. I had not heard, frankly, of Representative REUSS' survey of the incoming members of the House of Representatives. It is, I think, heartwarming to have those facts, and to look forward to a brighter future day, although, in my judgment, and I think in the judgment of the Senator from Wisconsin, so far as we are concerned, we are willing to reconcile this matter in this session of Congress, without having to wait on it for another session of Congress to remedy what we ought to be doing here now.

I have one other article I should like to read, and I think this will be of particular interest to the Senator from Minnesota, who has joined us in the Chamber, because he brought this article to my attention. I think that in its own way it sums up as cogently as possible the picture we find with respect to the SST. This is not an article from the Washington Post, which one might have predicted, based on the past track record of those in opposition to the SST, nor is it an article from the New York Times or the St. Louis Post Dispatch. Rather, this is a column by Mr. James J. Kilpatrick, who has joined many other Americans who question the need for the SST. In his column, published in the Washington Evening Star earlier this year, Mr. Kilpatrick reviewed the arguments for and against the SST and came down on the side of those who favor discontinuing funding for the SST prototype program.

Mr. Kilpatrick's thoughts on the program are as follows. The article is entitled "Who Needs The SST? Not the Airlines or the Public." Mr. Kilpatrick writes:

> Secretary of Transportation John A. Volpe, speaking for the President, last week renewed the administration's appeal for funds to continue work on the supersonic transport plane.
>
> The appeal contained at least a demi-semiquaver of desperation. "The aviation industry is essential to our nation," Volpe said. If the SST should be dropped, "then in six or seven years you would have tens of thousands of employees laid off and an aviation industry that would go to pot."
>
> Volpe also renewed a number of other arguments in support of the SST: Its sale would help our balance of payments. A successful SST would boost American prestige. And as for the problem of the plane's sonic boom, there would be no problem. The plane would never be permitted to fly at supersonic speeds over land. He concluded by contending that if the United States fails in the supersonic field, France, England and Russia will pick up the marbles.

A more specious line of reasoning seldom has been assembled. For the taxpayers to invest another $290 million in this venture—and that is the sum to be asked this week—would be a throwing of good money after bad boondoggles. Do we learn nothing from such wretched experiences as the military F111? Do we ever examine all the implications of "progress?"

The SST does not represent a change in kind, in the fashion of jet planes replacing prop jobs. It is only a change in degree: It will fly faster than one of the new 747s. That is the sole advantage claimed for it.

Except for speed, the SST offers not a single advantage in range, comfort, passenger volume, profits, safety, ease of handling—none of these. And unlike the 747, which the industry developed at its own expense, the SST would cost the taxpayers a fortune in subsidies unlikely ever to be recouped.

Who needs the SST? Well, the Boeing Company, out in Seattle, needs the SST. But surely, with deference to the great State of Washington, something more than this is required. Who else needs the SST?

Not the traveling public. Relatively speaking, only a handful of passengers could be expected to pay the supercharges that would be required to make the SST a profitable operation. In theory, an SST flying flawlessly on schedule could carry 100,000 passengers a year; allowing for realistic factors of downtime and normal loads, the number is probably half that.

Not the people down below. Let us take with great grains of salt the promise that the SST would "never" be permitted to fly over the U.S. mainland. At less than supersonic speeds, the SST is a dead loss; it offers no advantages whatever.

But when it flies beyond the speed of sound, the plane leaves a destructive path of sonic booms behind. Before a House Appropriations subcommittee grants the requested sum, it should study recent reports, notably from France, on the damage this phenomenon causes.

It becomes increasingly doubtful that even the airline industry needs the SST. The latest cost projection puts the cost of each supersonic transport at $60 million. How do you recoup that capital investment? Pan American, our largest airline, is beginning to wonder.

In February, Aviation Daily and Business Week reported some highly pessimistic observations by Pan Am's president Najeeb Halaby. The British-French Concorde, he remarked, may wind up with only 112 comfortable seats.

Its tubelike cabin will seem cramped and narrow to passengers grown accustomed to the airborne living rooms of the 747. High costs per seat-mile indicate poor profits; and if there is one thing Pan Am does not need, it is a new plane with a poor profitability picture.

Let us pause. The overriding question, here and in many other areas of our civilized society, is the extent to which man will let himself be victimized by his own machines. A needless surrender of values to speed and noise isn't progress. It's needless surrender.

In conclusion, Mr. President, the proponents of the SST have failed to discharge the burden of proof on the SST. But in the course of the discussions on this subject we may have made some assumptions that paint too bleak a prospect for the SST. I doubt that the action of the Senate recently, if upheld on this occasion, will spell the death-knell for all American SST's. I believe that the private sector of the American economy will build an American SST—indeed, the best, fastest, and least expensive SST in the world—when it becomes economically and technically possible to build such an aircraft that will operate without undesirable environmental effects. I do not believe that the aluminum-skinned Concorde and Russian SST can put those nations so far ahead of us that we will never be able to catch up with them with a technologically much more advanced American SST. I doubt the airlines' ability to pay for the SST, to say nothing of their willingness to buy and then have it compete with the jumbo subsonic carriers on which the airlines already carry heavy indebtedness.

Mr. President, there are too many unresolved problems and too many unanswered questions to let the conference report on this appropriation be approved. Having recently spoken clearly and definitively on this issue, the Senate must not reverse itself now.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. EAGLETON. I withhold the request.

Mr. MANSFIELD. Mr. President, will the Senator allow me to obtain the floor in my own right?

Mr. EAGLETON. I yield the floor to the Senator from Montana.

Mr. MANSFIELD. I yield to the distinguished minority leader.

CLOTURE MOTION

Mr. SCOTT. Mr. President, I send to the desk a motion for cloture and ask to have it read.

The PRESIDING OFFICER. The cloture motion having been presented, the clerk will read it.

The 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, MIKE GRAVEL, HOWARD BAKER, HENRY JACKSON, WARREN MAGNUSON, HENRY BELLMON, RICHARD SCHWEIKER, ROBERT DOLE, EDWARD W. BROOKE.

BOB PACKWOOD, TED STEVENS, JAMES B. PEARSON, J. CALEB BOGGS, LEE METCALF, GORDON ALLOTT, PAUL FANNIN, JENNINGS RANDOLPH, DANIEL INOUYE.

PROGRAM

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

Mr. MANSFIELD. I am delighted to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, before we reach the question of an adjournment or recess motion tonight, I should like to indicate that, in view of the statement of the President in connection with which an announcement has been made of the possibility of a special session on the 3d of January 1971, which I personally hope will not by any means be necessary, and which is certainly not something I have in any way initiated, I would hope that we could expedite the business of the Senate further by recessing until tomorrow, Sunday morning, and also consider very seriously remaining in session, either on an around-the-clock, 24-hour basis, or on a very late night basis.

Mr. President, I realize that this is no way to make friends or influence people. I realize, too, that it is the responsibility of the leaders to make suggestions at times which can be highly unpleasant; but it is my duty to transmit this message. It is my obligation to request it.

It is my desire that we hear now the desire of the distinguished majority leader, since he and I have worked all this time in amity and concord and we must, of course, continue to do so if we are to conclude the necessary business of the Senate.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. SCOTT. With the consent of the majority leader, I yield.

Mr. MANSFIELD. Of course.

Mr. WILLIAMS of Delaware. Mr. President, I want to get our business done as much as anyone else does. I have been working here for days trying to get consent agreements. Every Member in this Chamber knows there is a certain amount of political maneuvering going on so far as the so-called guaranteed annual income and social security amendments, and so forth, are concerned.

As one who has taken an active interest in that measure over the months, worked on it, and stayed in this Chamber diligently I will be here Saturday and if necessary on Christmas Day, but if the Senate is in session Sunday I will not be present. Take whatever action is desired.

Mr. MANSFIELD. In response to the most interesting proposal advanced by the distinguished minority leader, I seem to detect the voice of Jacob but the hand of Esau. [Laughter.]

Mr. SCOTT. Each of them has a vote.

Mr. MANSFIELD. Only one of them has a vote here in the Senate, though.

So far as all-night sessions are concerned, the answer is "No." I have been majority leader for 10 years. We have never had round-the-clock sessions; and unless we face a grave national emergency connected with the security of this country, I would not anticipate that we would.

So far as meetings on Sundays are concerned, I am perfectly willing, speaking personally, to meet on Sunday; but I do not think that is a responsibility, at this late date, that the joint leadership can take so far as the membership of this body is concerned.

I note that the President has stated, according to the wire service, that if we do not have a vote up or down on his legislation by midday of January 3, 1971, he will withhold his signature to the resolution which was sent to him by the Congress, calling for a convening of the next Congress on January 21, and that we would thus convene at noon on January 3, 1971.

I believe that the Democratic leadership included such an option in its statement last night to the membership.

It was said that that was a distinct possibility.

If that is what the President wants to do, that of course is his privilege, to withhold his signature from the resolution; and if we do not vote whatever he has sent up by midday of the 3d of January to call us back into session. I would point out that the leadership—and when I say the leadership, I mean the joint leadership—has been doing everything within its combined power to face up to its responsibility and to bring before this body the legislative proposals which the President has indicated he is intensely and personally interested in.

They are: The conglomerate package containing social security, the family assistance, and trade quotas in certain fields—shoes and textiles.

We have been doing everything we possibly can to see that the President is given every consideration achievable, and some which are possibly nonachievable. It is our intention—and again I speak for the joint leadership—to stay with this bill at least until the 3d of January at midday, to see if it cannot be faced up to and disposed of, one way or the other.

Frankly, I have no personal preference, but I would like to see the Senate given the opportunity to express its will on a personal basis, so far as we are concerned as Senators and, on a collective basis, so far as the Senate as a whole and as an institution is concerned.

So far as the second proposal on which the President places great stress, namely, the SST, which is contained in the Department of Transportation appropriation bill, conferences are now going on and are being participated in by the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Illinois (Mr. PERCY).

I cannot say that they are making any progress, but I think I can say that on the basis of their talking alone, there is the possibility of progress.

Insofar as the other bills are concerned, namely, the authorization bill on the President's proposed help to Cambodia, Vietnam, Indonesia, Korea, Jordan, and Lebanon—I think that is the group, outside of the Israel credit for $500 million, which is in another category—the conferees, I understand, are on the verge of coming to an agreement and, on the basis of meetings held in another office in this building, this agreement may well bring about a satisfactory conclusion of the difficulties which confront us in the Department of Defense appropriation bill, in the foreign aid appropriation bill, and in the supplemental appropriation bill.

So we are making progress. We will do the best we can. Every proposal made by the President has been made by the Senate leadership to the Senators themselves. We are doing the best we can and we will continue to do the best we can.

I personally am willing to meet tomorrow, if that is the will of the Senate, but the Senate will have to let me know. I am not going to place the question before this body.

I am willing to meet on New Year's Day, if that is the will of the Senate. But I will not be the one to tell the Senate or to suggest to Senators that they should come in on New Year's Day.

The President, I think, only suggested Sundays. He did not mention New Year's Day. There is a possibility we will have that day off.

He did not mention Christmas. I assume that he would like us to be around our trees as we hope he will be around his.

As far as round-the-clock sessions are concerned, the answer is "No."

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I see two instances where we might clarify matters.

I agree with what the distinguished majority leader has said about our joint efforts to bring all these issues to a vote. Surely we have done all we can possibly do within the rules of the Senate.

I do want to point out that the President's indication is not of a large laundry list or even of a moderate shopping list, but a very limited want list which, as I understand it, covers the appropriation bill on which, indeed, a great deal of progress is being made quite rapidly today, conference reports, and on the major bill, which is the pending order of business this afternoon.

The position taken by the President, therefore, as I understand it, is with regard to a limited number of items.

Then I read the teletype and I note that instead of the President's saying—and I think this was simply an unintentional oversight on the part of the majority leader—that he would withhold his signature from the joint resolution providing for the convening of Congress on January 21, he was considering the withholding of his signature.

Mr. MANSFIELD. Mr. President, if the Senator would yield at that point, I am delighted to stand corrected.

Mr. SCOTT. Mr. President, knowing that every single word counts now, and trying to find any placatory phrases I can discover in view of the continuing impasse, I wanted to mention that.

I am delighted that the majority leader pointed out the number of meetings going on.

I know that various knights errant of yesterday are no longer as errant tonight as they were yesterday. There is a mood of amity and concord—and that is good—on the appropriations bill.

We may find ourselves very shortly in agreement with the other body so that we may be talking about something that is not going to happen.

I am sure that everyone here is entirely concerned to be cooperative. I have had some discussions on the family assistance plan with the Senator from Delaware and with others. We are certainly anxious that some fair and just resolution be accomplished. However, essential to that fairness is the full opportunity for the Senator from Delaware to be fully heard as to his views. And I want that statement to appear in the RECORD.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I noticed that in the President's suggestions for action at this session are the so-called guaranteed annual income, more development funds for the supersonic transport, a quota on textile imports—which will cost the consumers more money—larger social security benefits, vital appropriation bills—all of which are spending proposals.

I am a little concerned that there is no emphasis placed on the need for revenue-producing measures, such as the excise tax extension.

I can appreciate the political expediency of putting emphasis on the spending programs. However, I wonder if the Senator has discussed with the President why this bill was ignored.

These revenue-producing measures are matters of great national concern. I am greatly concerned with the trend that we have of inflation now and in the years ahead.

When we realize that we are headed for a $15 billion to a $20 billion deficit this year I am concerned that this bill was omitted from the list of important legislation.

Was that discussed at the White House, or was that considered to be one of the measures that could go over? I certainly hope not.

Mr. SCOTT. Mr. President, if it were up to the Senator from Pennsylvania, I would favor paying for these items within the fiscal provisions which Congress should, and certainly ultimately must, provide.

So far as the administration is concerned, the Senator knows that there may be some exchange of correspondence on this on Monday. I would rather defer any discussion in depth until that time.

Mr. WILLIAMS of Delaware. Mr. President, I raise that question because unless we take some action in this session the excise taxes on telephones and automobiles go off on December 31. This would represent a substantial loss of revenue.

I am somewhat concerned that we have to wait until Monday to find out the position of the administration.

I would hope that the Senator from Pennsylvania would recognize that, as a party which has always prided itself on fiscal responsibility, we cannot start straying to the wayside as freewheel spenders. Would the Senator carry that message to the proper sources?

Mr. SCOTT. Mr. President, if the Senator wants a vote on the excise taxes in this session, I would vote for it.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. MONDAY, DECEMBER 21, 1970 AND TUESDAY, DECEMBER 22, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock Monday morning next, and on completion of its business on Monday to 9 o'clock Tuesday morning next.

Mr. HOLLAND. Mr. President, if the Senator would yield, I understand that we have already entered into a unanimous-consent agreement for convening on Monday morning at 10 o'clock.

Mr. MANSFIELD. I would like to change that to 9 o'clock for both mornings.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Now, Mr. President, under the agreement which has been operating and which expires at the conclusion of business on Tuesday next, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1443, H.R. 17550, and that it be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. Calendar No. 1443, H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. Without objection the Senate will proceed to its consideration.

Mr. LONG. Mr. President, since our meetings on yesterday, we have held some discussions.

Mr. COTTON. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. LONG. Mr. President, since our meetings yesterday, there have been some discussions about the most expeditious way to move ahead with the social security bill. We have not been able to reach any sort of agreement.

My impression is that the administration is very hopeful of obtaining a vote on the family assistance plan or, if not that, then, in the alternative, a test vote to give some indication of how the Senate feels about the measure.

I have inquired of the possibility of obtaining a limitation to assure a time certain to vote on this measure. That cannot be obtained at this time.

Mr. President, I am convinced that the Senate is not going to pass this measure and that, for whatever political advantage it might give one group or the other or any particular individual, it will be time wasted which could have been used in passing some of these bills that it is possible to pass in this session.

Accordingly I will make a motion to table the pending amendment. I believe the Senator from Delaware wanted me to yield to him before I made that motion.

I ask unanimous consent that I might yield to the Senator from Delaware without losing my right to the floor.

Mr. HARRIS. Mr. President, I object.

Mr. WILLIAMS of Delaware. Mr. President, do I understand that the Senator will be making a motion to table the measure even before some of us can get a chance to present our case against the bill?

Mr. LONG. That is my intention. But prior to doing that, I would like to yield——

Mr. HARRIS. Mr. President, reserving the right to object, I think we ought to have an up and down vote on the family assistance plan.

I would vote against the motion to table, hoping that we could get a vote on it.

I wonder if the Senator might not put some kind of request to the Senate for a limitation of time on the merits. Perhaps we could arrive at some kind of an agreement at some day certain, even if it is after we come back from Christmas.

We should try to get a vote on the merits. Could the Senator put that question?

Mr. LONG. If the Senator wants that done, I ask unanimous consent that we vote on the pending amendment, which is the family assistance plan, at 5 o'clock on Tuesday next.

Mr. WILLIAMS of Delaware. Mr. President, what is the request?

Mr. LONG. Mr. President, I ask unanimous consent that the Senate vote on the family assistance plan at 5 o'clock next Tuesday.

Mr. WILLIAMS of Delaware. Mr. President, I presented a unanimous-consent proposal for the Senate to vote on all amendments as well as final passage of the bill as amended. Many of those Senators now standing up and speaking on this matter apparently were not in favor of that agreement.

If we can get consent to vote on the entire bill I would go along with the request. I offered such a unanimous-consent agreement before.

However, I will not be a party to political hypocrisy to get a vote on the family assistance plan when in the back of the Chamber it is being said it will die anyway. That is the greatest act of political hypocrisy I have heard. I have so expressed myself downtown to those proposing that this farcical procedure be followed.

If we are to vote on social security and a family assistance plan let us vote on them in good faith with the intention that it will become law and not so that Members can go home and brag about having done something in order to get votes. We are dealing with people who should not be kidded by either political party.

I am ashamed that some Senators from our side would seem to cooperate in that hypocritical suggestion.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOLE. I object.

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

Mr. LONG. I yield.

Mr. MANSFIELD. Mr. President, before the pending measure was called up I promised to call up S. 3835.

Mr. LONG. Mr. President, I yield to the distinguished majority leader for that purpose.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3835.

The PRESIDING OFFICER (Mr. FANNIN) laid before the Senate the amendment of the House of Representatives to the bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, which was to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

SEC. 101. (a) There is established in the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

REPORTS BY THE SECRETARY

SEC. 102. The Secretary shall —

(1) submit an annual report to Congress which shall include a description of the actions taken, services provided, and funds expended under this Act and part C of the Community Mental Health Centers Act, an evaluation of the effectiveness of such actions, services, and expenditures of funds, and such other information as the Secretary considers appropriate;

(2) submit to Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act a report (A) containing current information on the health consequences of using alcoholic beverages, and (B) containing such recommendations for legislation and administrative action as he may deem appropriate;

(3) submit such additional reports as may be requested by the President of the United States or by Congress; and

(4) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse and alcoholism.

TITLE II—ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS FOR FEDERAL CIVILIAN EMPLOYEES

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL CIVILIAN EMPLOYEES

SEC. 201. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among Federal civilian employees, consistent with the purposes of this Act. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c)(1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or prior alcoholism.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

(d) This title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

TITLE III—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 301. There are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $80,000,000 for the fiscal year ending June 30, 1973, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 302. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 301 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 303. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of alcohol abuse and alcoholism, including a survey of the health facilities needed to provide services for alcohol abuse and alcoholism and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modification thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made avilable under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PART B—PROJECT GRANTS AND CONTRACTS

GRANTS AND CONTRCTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 311. Section 247 of part C of the Community Mental Health Centers Act is amended to read as follows:

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

"SEC. 247. (a) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, may make grants to public and private nonprofit agencies, organizations, and institutions and may enter into contracts with public and private agencies, organizations, and institutions, and individuals—

"(1) to conduct demonstration, service, and evaluation projects,

"(2) to provide education and training,

"(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

"(4) to provide counseling and education activities on an individual or community basis,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

"(b) Projects for which grants or contracts are made under this section shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

"(c)(1) In administering the provisions of this section, the Secretary shall require coordination of all applications for programs in a State.

"(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, if such agency exists. Such State agency shall be given not more than thirty days

from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under such section 303. The State shall furnish the applicant a copy of any such evaluation.

"(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

"(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(D) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

"(d) To carry out the purposes of this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971, $40,000,000 for the fiscal year ending June 30, 1972, and $50,000,000 for the fiscal year ending June 30, 1973."

PART C—ADMISSION TO HOSPITALS

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 321. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public general hospitals, which receive Federal funds for alcoholic treatment programs, on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act; except that the Secretary shall not terminate any such Federal assistance until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and has provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 404 of the Community Mental Health Centers Act.

PART D—GENERAL

COMPREHENSIVE STATE HEALTH PLANS

SEC. 331. Section 314(d)(2) of the Public Health Service Act is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (K) the following new subparagraph:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem."

SPECIALIZED FACILITIES

SEC. 332. Section 243(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, or outpatient services, and" immediately before "post-hospitalization treatment facilities".

CONFIDENTIALITY OF RECORDS

SEC. 333. The Secretary may authorize persons engaged in research on, or treatment with respect to, alcohol abuse and alcoholism to protect the privacy of individuals who are the subject of such research or treatment by withholding from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

TITLE IV—THE NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF COUNCIL

SEC. 401. (a) Section 217(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,";

(2) in the second sentence thereof, by (A) inserting "the National Advisory Council on Alcohol Abuse and Alcoholism," immediately after "the National Advisory Mental Health Council,", and (B) inserting "alcohol abuse and alcoholism," immediately after "psychiatric disorders,"; and

(3) in the fourth sentence, (A) by inserting "(other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism)" after "the terms of the members"; (B) by striking out "and" before "(2)"; and (C) by striking out the period at the end and inserting a semicolon and "and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment."

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting "alcohol abuse and alcoholism," immediately after "mental health,".

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcoholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council."

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER PART C OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 402. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "(other than part C thereof)" immediately after "this title", and (2) by adding immediately after the period the following: "Grants under part C of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by such section."

TITLE V—GENERAL

SEC. 501. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provisions, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

SEC. 502. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

SEC. 503. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

Mr. HUGHES. Mr. President, a little over a year and a half ago, in May of 1969, Senator YARBOROUGH, the chairman of the Labor and Public Welfare Committee, created the Special Subcommittee on Alcoholism and Narcotics. After the subcommittee held extensive general hearings on alcoholism, I, as chairman of the subcommittee, introduced the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Substantially similar legislation was reported favorably by the Committee on Labor and Public Welfare and, in the form reported, was unanimously passed by the Senate on August 10, 1970.

I am gratified to report that, in somewhat modified form, it has now passed the House of Representatives.

As chief sponsor of the Senate bill, I would like to review briefly the main provisions and intent of the legislation and to point out the difference between the House and Senate versions.

First of all, let me say that I am deeply grateful that both Houses of the Congress have recognized the critical need for an across-the-board, locally oriented attack on the massive and growing alcoholism problem in this country. The main thrust of the legislation approved by both Houses, if creatively administered

and adequately funded, can provide the realistic framework for giant steps toward the prevention and treatment of alcoholism in our country.

This legislation can save the country—and the Federal Government itself—millions of dollars each year.

It authorizes governmental programs which, for every dollar invested, will bring back dividends to our society many times over the amount spent. A recent study, carried out by the General Accounting Office, concluded that savings ranging from $135 to $280 million could be effected by the Federal Government by establishing alcoholism programs among Federal civilian employees alone.

The provisions in the legislation approved by both Houses can make significant inroads into the estimated $7 billion lost by private industry each year because of alcoholism and alcohol dependence.

Most important of all, this legislation can save human lives—lives presently being destroyed by the disease itself, and by the crime and highway accidents to which alcohol abuse is a major contributing factor. And it can alleviate the suffering in hundreds of thousands of American homes where alcoholism has caused misery and poverty and heartache.

Briefly, the bill as passed by the House would:

Require the establishment of a National Institute on Alcohol Abuse and Alcoholism;

Require that the U.S. Civil Service Commission establish alcoholism prevention, treatment, and rehabilitation for civilian Federal employees and guarantee employees with alcoholism the same employment conditions and benefits as persons who are ill from other causes;

Authorize formula grants totaling $180 million over the next 3 years to help State governments develop and administer programs for dealing with alcohol abuse and alcoholism;

Authorize project grants totaling $120 million over the next 3 years to public and private nonprofit groups and organizations, to help finance specific alcoholism prevention and treatment projects;

Require a report by the Secretary of Health, Education, and Welfare to the Congress, similar to the earlier report on cigarette smoking, which will set out the health consequences of using alcoholic beverages;

Establish an independent National Advisory Council on Alcohol Abuse and Alcoholism, to insure outside evaluation of the Federal efforts in this area.

With reference to the action taken by the House of Representatives on this legislation, let me express, first of all, my immense appreciation for their responsiveness to the urgency of the need by acting upon the legislation at this time, rather than waiting until next year. All of us here are well aware of the enormous pressures that the Congress is under at this time.

I am especially grateful to Congressman STAGGERS, chairman of the Interstate and Foreign Commerce Committee; to Congressman JARMAN, chairman of the Subcommittee on Public Health and Welfare, which handled the bill; and to Congressman PAUL ROGERS, who has also shown a deep concern about the problems of alcoholism; as well as to many other conscientious Members of the House. This has been a highly constructive joint enterprise by the two Houses.

I should also like to express my appreciation to my colleagues in the Senate, particularly the Senator from Utah (Mr. Moss) and the Senator from New York (Mr. JAVITS), whose work on alcoholism in previous years and whose assistance in drafting S. 3835 was invaluable, as well as the Senator from Colorado (Mr. DOMINICK) and the other members of the subcommittee and committee for the diligent assistance they gave to this cause.

The House made a number of improvements in the legislation, the most important of which involved a strengthening and broadening of the confidentiality provisions of the bill and a clarification of the original Senate bill with respect to comprehensive State planning provisions.

The House also made some additional changes. They dropped the findings and declarations, the definitions, and the functions enumerated in the legislation as passed by the Senate. This was done, as I understand it, because of a feeling on the part of the Members of the House that it was not necessary to spell out the requirements of those sections in the legislation itself—that our legislative intent in these areas could just as well be spelled out in regulations and administrative guidelines.

Mr. President, based on my own experience in this area, I, quite frankly, differ with our colleagues in the House on these last points. I prefer the more detailed and specific language of the Senate bill.

The findings in the Senate bill, for example, included provisions stating that alcoholism is an illness or disease and strengthening present findings to more clearly indicate that the criminal law is not an appropriate vehicle for preventing or controlling a health problem such as alcoholism. The Senate version was also more specific in directing that all existing Federal legislation should be utilized to help control alcohol abuse and alcoholism problems.

The definitions title of the Senate bill would have defined "prevention and treatment" in the broadest possible way, so as to make our intent that the term be so construed as clear as possible. In addition, it would have defined the various kinds of services which are to be made available by the new Institute, so that, again, the congressional intent was clear.

Administrative, planning, coordinating, statistical, research, training, educational, and reporting functions of the Secretary were spelled out in some detail in the Senate bill. This was done so that the program would necessarily attempt to attract a broad cross section of individuals able to contribute to solving the problem of alcoholism. Such a cross section would include members of the medical professions, individuals interested in the causes and ramifications of alcohol abuse and alcoholism, persons interested in practical programs of training and delivery of services, and persons skilled in research.

As I have stated, the House felt that it was not necessary to spell out all of this in detail—that it could be done administratively by rules and regulations. While I disagree, I see their point.

If the administrative route does not work and the legislative intent is not recognized, there is always the option, of course, of future legislative changes to restore the more specific provisions.

The House made one substantive change in the structure of the legislation which I wish to point out with some emphasis. They modified language in the Senate bill which provided that hospitals which discriminated against alcoholics can receive no "Federal financial assistance under the provisions of this title or any other Federal law administered by the Secretary." The House modified this language to provide that such hospitals can receive no "Federal financial assistance under the provisions of this act."

This section of the House bill clearly runs counter to the intent of the Senate version. Both the American Medical Association and the administration testified in favor of the Senate provision, and if this important point is lost, I see no alternative to introducing legislation in the next session to restore it.

Last, on the floor of the House a change was made in the section of the bill which establishes alcohol abuse and alcoholism programs for Federal employees. That change simply involved the deletion of a repealer provision in that section. It will not make a difference in the interpretation of the language of that section of the bill as it is presently written.

Despite these differences, Mr. President, I believe the House version preserves the basic intent and the major provisions of the Senate bill.

As such, the legislation represents a giant step forward for the estimated 9 million Americans who suffer from the human blight of alcoholism and for the countless other human beings whose lives are warped or destroyed because of alcohol abuse.

Mr. YARBOROUGH. Mr. President, under the able leadership of the distinguished Senator from Iowa (Mr. HUGHES), the Subcommittee on Alcoholism and Narcotics has spearheaded the drive for the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 of which I have the honor to be a cosponsor with him. That bill, which unanimously passed the Senate on August 10, passed the House on December 18 with minor amendments which the Senate should agree to. As chairman of the Labor and Public Welfare Committee, I created the first Senate Subcommittee on Alcoholism, Narcotics, and Dangerous Drugs. The very able and distinguished Senator from Iowa (Mr. HUGHES) agreed to become chairman of that new subcommittee. In less than 2 years, he has written an outstanding record of service with bill after bill written into law to aid in the very grave social problems of alcoholism, narcotics, and dangerous drugs. This bill,

the Alcohol Abuse, Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is another landmark act, to the great credit of this new leader from Iowa, this humanitarian Senator, HAROLD HUGHES.

Alcoholism is a major problem in the United States, as the following statistics clearly indicate:

ALCOHOL STATISTICS

Deaths: Each year there are 72,000 alcohol-related deaths; 26,000 motor vehicle accidents; 11,000 alcoholism stated on death certificates; 35,000 accidental deaths at home or work; 7,300 alcohol-related suicides each year.

Arrests: 2 million arrests annually for drunk in public—40 percent of all non-traffic-related arrests; 300,000 arrests driving while intoxicated.

Of 50,000 people killed on the highways, 28,400 have significant alcohol level in their blood.

Two million disabled yearly in auto accidents of whom 500,000 directly involve alcohol.

A total of 500,000 patients in State mental health programs are alcoholics—one-third of 1,500,000.

Fifty percent male admissions to mental hospitals, ages 45 to 64 for alcoholism.

Mr. President, I think this is enough to make every Member of the Senate realize it is time for us to do something to create a national program to do something about this problem. That is what this bill is designed to do.

Mr. President, this bill would establish a 3-year program at a total authorization of $300 million to deal with the overall problem of alcoholism, the most serious health problem in America today.

There are four major features of this bill:

First, the bill establishes, in the National Institute of Mental Health, a new Institute to be known as the National Institute on Alcohol Abuse and Alcoholism;

Second, the bill establishes a program of formula grants to the States for programs dealing with the problems of alcohol abuse and alcoholism;

Third, the bill provides for the establishment of a program of project grants for specific projects in the States dealing with his problem; and

Fourth, the bill provides for establishment of a program by the Civil Service Commission to deal with alcoholism and alcohol abuse among Federal employees. A recent report by the General Accounting Office indicates that the establishment of such a program, at an estimated cost of $15 million a year would save the Federal Government a minimum of $135 million a year, and possibly as much as $280 million a year.

Again, I commend the able Senator from Iowa (Mr. HUGHES) for his outstanding work and leadership in this area.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

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

The motion was agreed to.

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. LONG. Mr. President, I have no doubt that this motion should be tabled. The parliamentary situation in which we find ourselves at this moment is that we have several hundred committee amendments.

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana may proceed.

Mr. LONG. Mr. President, we have agreed to one amendment, which is an amendment to strike the table of contents of the House bill. Assuming we plan to pass the Senate bill, that table of contents does not belong there.

Now, we are on the next committee amendment, and we have been on it for some time. This is an amendment to strike and insert. We have an amendment pending on the insert part, the tail end of the amendment, which we cannot dispose of because a motion to table failed on that by a vote of about 1 to 2.

Now we are confronted with another amendment, one that would be on the front end of the committee amendment, on the strike part. That is an amendment that we will be debating for a long time before it comes to a vote—if indeed it does come to a vote, which I doubt.

In addition, Mr. President, the amendment is offered in such a way that it cannot be amended and there are at least 100 different provisions that are extremely controversial in the amendment. It is offered as an amendment to an amendment.

I understand that due to the imperfections in it, which cannot be corrected without unanimous consent—and I am under the impression unanimous consent will not be given—it would repeal most benefits under the social security program, an unintended defect. But this is the situation, and obviously this is no way to legislate.

This matter should be brushed aside; it cannot become law anyway. All we are doing is wasting time. But in the hope that it might give some indication of how the Senate feels about the amendment, I move that the amendment be laid on the table.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator withhold that?

Mr. LONG. I withhold the motion for 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I have opposed the guaranteed annual income proposal for reasons I think are valid. During the discussion of this bill as yet I have never been able to obtain the floor in my own right due to the arrangement from the White House offtimes and the minority leadership of the Senate that recognition would go to those in favor of the plan. The result has been that none of us who have reasons to oppose the plan have had a chance to speak to point out what is wrong with the Ribicoff-Bennett amendment.

Our committee worked on this proposal for months. I would certainly hope—and I say this as one who opposes the amendment—that the Senate defeats the motion to table which has been made. I plead with my colleagues to defeat this motion in the hope that we may have a chance to debate this matter on its merits.

I think we should. I suggested a procedure to get it before the Senate. I respect the Senator from Louisiana. I understand he is making this motion at the request of the White House representative. I do not know what they will accomplish by it. I am sure it will not be agreed to. I hope it is not, and I appeal to all Senators who have said they are for the family assistance plan and those who are against it to vote against the motion to table so that we may discuss it on the merits. Surely the proponents of this measure are not afraid to debate and vote on its merits.

I thank the Senator for yielding. I am ready to vote.

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

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, I appreciate what the distinguished chairman is trying to do. He is trying to be very realistic to find out what the sentiment of the Senate is. I respect the position of my distinguished friend, the Senator from Delaware, with whom I am opposite on this proposal. I hope the Senator from Delaware would have an opportunity to state how he feels with respect to this matter. I know he feels strongly against the proposal and his views are entitled to be heard. I hope he has time to explain his views.

But personally, I shall vote against the motion to table because if it is presented it could very well be the only test by which the Senate can possibly be heard as to whether Senators are for or against family assistance. It would be my hope that the Senate would be for the family assistance program and could so indicate by voting against the motion to table.

Mr. WILLIAMS of Delaware. Mr. President, this will not be a test of how the Senate feels or would vote on the plan because I for one am going to vote against the motion to table. I know that I am going to vote that way and many other Senators are going to vote that way even though they are opposed to the bill. If a vote is what the Senate wants we can go ahead and vote, but it is only a waste of time and proves nothing except that there are those who are afraid to debate this fantastic proposal on its merits. Apparently they have very little confidence of their ability to defend the bill.

Mr. LONG. Mr. President, under those circumstances I do not believe we would have a test of how the Senate feels about the amendment so I am not going to make the motion.

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

Mr. LONG. I yield.

Mr. COTTON. Mr. President, what the Senator has said makes what I was going to say completely nongermane. But it seems to me I find myself at this time in disagreement with my friend from Delaware, as much as I like him and respect him.

It seems to me we have reached a point in this session—and we discussed this point very frankly when we were by ourselves—where much of what we are doing is utterly useless and serves no good purpose, and I do not care what the executive branch says. As a matter of fact, it might do them some good, and it would not do them any harm, to send some of their boy scouts to sit in the galleries for a few hours. They might learn something. Some of them have never even sat in galleries of State legislatures and they do not seem to be well versed in legislative procedures.

But whatever the executive branch said, and whatever the distinguished minority leader feels compelled to say—and I respect him and try to follow him at least part of the time—the issue is whether we are going to spend more time discussing the merits and demerits of the so-called family assistance plan which has come out of the committee in one form, and is before the Senate in the form of an amendment by the Senator from Connecticut, the Senator from Utah, and others. It has all kinds of phases. We are just wasting our time, and for what? I was hoping that the Senator from Louisiana would make the motion.

I was hoping, whatever our feelings are on the family assistance plan, that we would vote on the question of whether it is sensible and whether it is going to accomplish anything for the people of the United States and for the prestige of the Congress to continue this way. It is a matter of just plain commonsense, which has been conspicuously lacking for the last few weeks.

I do not like the idea of voting against a motion to table so as to conceal from somebody how I feel. I feel very strongly that whatever may be the merits of the family assistance plan in a different form—and I do not find too many merits in it right now—it is useless to take time on it now, and if the opportunity comes to vote on the motion to table, I am going to vote for commonsense procedure in the Senate to gain some respect from the people and from the executive branch.

Mr. LONG. The Senator encourages me to make the motion. Frankly, what we are doing is wasting time. This welfare proposal is not going to become law as part of this bill. It will have to come off this bill one way or the other. All we are doing is wasting time until we come to a decision. It does not require the Senator from Delaware to persuade me that it should not be in the bill. I am convinced that it should not become law.

I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Ribicoff amendment, No. 1169.

Mr. LONG and Mr. HOLLAND requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay the amendment on the table. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "nay".

Mr. GRIFFIN. I announce that the Senator from Nebraska (Mr. CURTIS) is necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

Also necessarily absent are the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER), and, if present and voting, would each vote "nay".

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr MUNDT), would each vote "nay."

The result was announced—yeas 15, nays 65, as follows:

[No. 440 Leg.]

YEAS—15

Allen	Eastland	Jordan, N.C.
Bellmon	Ellender	Long
Bible	Ervin	Sparkman
Cannon	Gore	Stennis
Cotton	Holland	Young, N. Dak.

NAYS—65

Aiken	Eagleton	Jackson
Allott	Fannin	Jordan, Idaho
Baker	Fong	Kennedy
Bayh	Fulbright	Magnuson
Bennett	Goodell	Mansfield
Boggs	Gravel	Mathias
Brooke	Griffin	McClellan
Byrd, Va.	Gurney	McGee
Byrd, W. Va.	Hansen	McGovern
Case	Harris	McIntyre
Church	Hart	Metcalf
Cook	Hartke	Miller
Cooper	Hruska	Mondale
Cranston	Hughes	Montoya
Dole	Inouye	Muskie
Packwood	Ribicoff	Stevenson
Pearson	Saxbe	Symington
Pell	Schweiker	Talmadge
Percy	Scott	Thurmond
Prouty	Smith	Williams, Del.
Proxmire	Spong	Yarborough
Randolph	Stevens	

NOT VOTING—20

Anderson	Hollings	Pastore
Burdick	Javits	Russell
Curtis	McCarthy	Tower
Dodd	Moss	Tydings
Dominick	Mundt	Williams, N.J.
Goldwater	Murphy	Young, Ohio
Hatfield	Nelson	

So the motion to lay on the table was rejected.

Mr. WILLIAMS of Delaware. Mr. President, first I want to thank my colleagues for rejecting the tabling motion regardless of what their position may be on this bill. This at least gives those of us who have worked on it for a period of months an opportunity to explain some of the bad provisions in the bill and to point out why some of us feel that it is in the best interests of our country that it not be enacted.

First, there is much being said in this country about the need for reform. The administration's family assistance or guaranteed annual income plan has been sold to the American people under the slogan of "Workfare versus Welfare."

The present welfare system has been recognized by all concerned as a program full of inequities. Secretary Richardson, in his testimony before the Committee on Finance, described the present program as a gigantic failure, and the administration's new family assistance plan was described as a major reform.

Mr. TALMADGE. Mr. President, may we have order. We cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. When the term "reform" is used in connection with legislative proposals it means one of two things. Either it is proposed to take away from someone something which he is now receiving but to which he is not entitled, or it is proposed to give to someone something which he is not getting but to which he is entitled.

While there is general agreement on the part of all concerned that our existing welfare program is in need of major reform, it should be emphasized that the administration bill as it is now pending before the Senate as reported by the Committee on Finance, does not embrace reform of the existing law. In fact, the Secretary of HEW admitted to the Finance Committee that under the particular proposal now before us—and the authors will confirm this—not one welfare recipient in America, in any State in the Union, will receive a dime less than that which he is now getting under existing law. We therefore proceed on the premise that there is no reform in this bill, assuming there are abuses now. Quite to the contrary, all the inequities in existing law will be frozen into the new program plus some more being added.

I should like to mention at this point just a few of the things that can happen under this bill if enacted.

One of the problems of the existing welfare system we hear much about is

the promotion and encouragement of illegitimacy and of families with generation after generation on welfare.

I should like to point out what the bill before us would do. This bill actually provides a $1,300 cash bonus from the Federal Government to a mother to have an illegitimate baby, over and above what would be paid if the baby were born in wedlock.

Mr. LONG. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. I cite this example which was called to the attention of the committee. Use, for example, two welfare families.

Mr. TALMADGE. Mr. President, a point of order. The Senate is not in order. I ask that the Chair bring the Senate to order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. We asked the department to check how this bill would work in actual practice in four States. We picked two large States and two small States. The large States we picked were Illinois and New York, and we picked Arizona and Delaware for the small States. I said we wanted to pick mine as well as someone else's.

Suppose, for example, there are two welfare families under the provisions of this bill, if it passes.

Family A has a boy 17, a girl 12, and a girl 6. Family B has a girl 16, a boy 11, and a girl 8. Each family will get welfare payments based upon the size of the family. This means that for this boy or girl below the age of 18 as dependents they will collect, first, $300 from the Federal Government; they will collect a larger mandatory supplement from the State; they will benefit from medicaid if they need medical attention; they will get additional rent allowance, housing allowance, and so forth; they will get additional food stamps as a result of the larger dependency in each family.

If this boy and this girl get married each family loses one dependent, and their welfare payments are automatically reduced proportionately. When this boy and girl are married they do not get anything under this bill, even though they have no jobs or anything else for support. They can starve, so far as this bill is concerned, until they have been married long enough to have the first baby. Then they become a new welfare family, eligible for payments under the AFD program. No provision would help them, no matter how destitute they may be the first year; they have this handicap until they can produce the first child.

On the other hand, suppose the boy and girl want to get married but realize they cannot do so financially, and the girl becomes pregnant. He does not marry her until the baby is born. Then they can move off and start collecting welfare as a family of their own, under the aid to dependent children. I repeat, if this bill is enacted, by postponing the marriage until the baby is born they can collect a cash payment in the first year of $1,300 more than he can if he marries the girl before the baby is born.

What kind of social bill is this where the Federal Government underwrites a proposal of paying a $1,300 bonus to bring that first child into this world as an illegitimate baby? What chance has that child in later life? Is that what Senators want to approve.

This situation was called to the attention of the committee, and we called it to the attention of the Department. All the Department said was, "We'll correct it next year." I say correct it before you pass this bill. I will not support any bill that will pay a cash benefit on the part of the Federal Government, a premium of $1,300, to have an illegitimate baby, more than they would if it is born in holy wedlock.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the table furnished by the committee and the staff, approved by the Department, relating to the problem of illegitimacy.

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

SELECTED CASES: FEDERALLY SHARED WELFARE BENEFITS UNDER ADMINISTRATION REVISION

	Phoenix, Ariz.	Wilmington, Del.	Chicago, Ill.	New York, N.Y.
All persons unemployed, no income other than welfare:				
1. Welfare benefits to 2 families, each headed by a woman:				
Family A—boy 17, girl 12, and girl 6	2,208	[1] 2,172	[1] 3,252	[1] 4,032
Family B—girl 16, boy 11, and girl 8	2,208	[1] 2,172	[1] 3,252	[1] 4,032
Total	4,416	4,344	6,504	8,064
2. Welfare benefits to same families if boy 17 marries girl 16 and establishes separate household:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C—boy 17 and girl 16	[2]	[2]	[2]	[2]
Total	3,672	4,008	5,928	6,816
3. Welfare benefits to same families if boy 17 marries girl 16 after she has had a baby:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C (with baby)	1,300	[1] 1,300	[1] 1,300	[1] 1,300
Total	4,972	5,308	7,228	8,116
Increase over case 2	1,300	1,300	1,300	1,300

[1] Eligible for medicaid, surplus food, and housing.
[2] Eligible for food stamps.

Mr. WILLIAMS of Delaware. It is clearly evident that the bill has been improperly labeled as a reform package. For example, this bill does not correct the problems of existing law whereby family breakups are encouraged.

Under this bill, suppose a family is living together—an unemployed father and mother and four children. If the father and mother will separate, either because of problems or by mutual agreement—perhaps only moving across the corridor in separate apartments—they then become two families eligible for welfare, instead of one.

This is the bonus in welfare which they as a group collect as the result of split families.

In Phoenix, Ariz., under the administration's plan they will get $936 more by living as a split family than if they live together. They can visit across the corridor, and if an additional child is born it can go on the welfare rolls. Everything is taken care of. But they collect more welfare if they live in separate apartments.

In Wilmington, Del., they will collect an extra $1,104 in assistance under this bill by splitting the family. They can collect $1,104 in benefits more than they can if the family stays together.

In Chicago, Ill., as a split family they will collect $2,064 more in assistance. Think of it—$2,064 more benefits under the bill of the administration if the husband will desert, take two children, and leave the wife two children.

Is this the kind of reform that the Congress wants?

In New York a welfare family will collect a higher premium on family splitting; they collect $2,508 more as two families than if they live as one family. They can collect that every year under this bill if they will just separate—the husband taking part of the children and the wife taking the other children. Again, it is claimed that that is reforming the existing law. I challenge anyone to say that that is reform. I say that this is making a farce of the situation and think what this does to these children.

As to the unemployed father, they claim to have corrected that under this Ribicoff-Bennett plan, but I am not sure. I understand that the Ribicoff-Bennett amendment is intended to correct that point, and I will withhold comment until I have had it fully analyzed; I will pass over that point for the moment.

The pending bill cannot be labeled under the guise of reform in any way, shape, or form.

This bill should not pass until corrections have been made.

I think that these problems are why a majority of us have opposed this bill in committee. We have had three different votes in the committee. Once the bill was unanimously sent back to the Department for revision. They brought back practically the same package. The House-passed bill was rejected by a vote of 14 to 1 on a rollcall vote in the Finance Committee. They had another vote in

the committee, in which the bill as revised was rejected by 10 to 6. But each time the Department comes back and wants another vote. All they want is a vote. Is it not time someone thought about a reform of our welfare system instead of about the votes involved?

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

Mr. WILLIAMS of Delaware. I yield.

Mr. TALMADGE. Does the Senator recall what particular revision of this plan it is, from HEW? Is it six or seven? How many different versions of this plan has the Department submitted?

Mr. WILLIAMS of Delaware. It is at least six. I have lost count and I understand the present bill was revised again yesterday at the suggestion of the administration just a few minutes before the Senate convened.

Mr. TALMADGE. I have lost count, also. It has been six or seven.

The Senator will recall the time just prior to adjournment, when we had a recess for the elections, when the Under Secretary of Health, Education, and Welfare came in with a stack of amendments, about 12 inches high, that no member of the Finance Committee had ever seen, and no member of the Finance Committee knew what was contained in there. He insisted on the Finance Committee voting at that particular time on a stack of amendments they had never seen. Does the Senator recall that?

Mr. WILLIAMS of Delaware. That is correct. The bill as proposed consisted of approximately 400 or 500 pages and was only delivered to the offices of Senators about 5:30 the night before.

Mr. TALMADGE. I never got mine.

Mr. WILLIAMS of Delaware. I did not, either, until about 20 minutes before the committee met.

We walked in, and the Department said, "All we want is a vote." The committee gave them a vote and rejected it by a margin of 10 to 6.

Now we are told the Department wants another vote in the Senate even though they accept the fact that it cannot get cleared in a conference before adjournment.

Mr. TALMADGE. The Senator has been in the Senate 24 years. Has he ever seen such irresponsibility as that during that period of time?

Mr. WILLIAMS of Delaware. Never. And I hope it will be 24 years before it is repeated.

Mr. TALMADGE. So do I.

Mr. WILLIAMS of Delaware. As the Senator knows, that vote was on the eve of the adjournment, just before the recess for the election. As I recall, it was just a few days before. The committee soundly rejected that proposal. The committee did not have any idea what it was, and by unanimous vote, as I recall it, we instructed the staff to analyze the bill which the Department had sent down to us that morning. We had never seen it before. We instructed the staff to send each member of the Finance Committee to our homes during the recess an analysis and a copy of the bill—to get it printed and send each a copy and an analysis—in order that we could study it, so that when we came back into session in November our Committee would be ready to proceed in an orderly manner and to vote intelligently for or against it.

I have here a letter sent by Mr. Vail of the staff of the committee, which I will put in the RECORD, that he sent to me and the other members of the committee on October 26. This was after the recess. I read the letter dated October 26, 1970:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., October 26, 1970.

Hon. JOHN J. WILLIAMS,
Millsboro, Del.

DEAR SENATOR WILLIAMS: You will recall that during executive session of the Finance Committee on Tuesday, October 13, Mr. Veneman, Under Secretary of the Department of Health, Education and Welfare, submitted to the Committee a revised version of the Family Assistance Plan and urged that the Committee vote on it before the recess.

The revised plan, described as a "core" bill, covers more than 150 pages. The Committee felt that a major amendment of such proportions should be carefully studied before a vote was taken. Therefore, it directed the staff to publish the "core" bill, related amendments, and supporting tables, documents, and charts to be prepared by the Department and submitted to the Committee. It was the Committee's instruction that this material together with an analysis prepared by the staff of the Committee be forwarded to each member of the Committee at his home during the recess. In this way all of the members would have an opportunity to study the Administration's most recent welfare proposal before the Committee reconvenes in November.

I had hoped that the printing job and the staff analysis could have been completed before now. The staff analysis of the October 13 version has been completed. Unfortunately, the Department apparently is making further revisions in the material submitted on October 13. Although the version presented to the Committee has been set in type, the Department has not completed its proofreading task—apparently because of the additional drafting and rewriting they are undertaking. It would seem to serve no useful purpose to send you the staff analysis if the "core" bill we have analyzed is still being changed by the Department.

I wanted to let you know why we have not yet complied with the Committee's instruction to promptly forward the printed material to the members at their homes.

Sincerely,

TOM VAIL.

Mr. Vail apologizes for the fact that he could not get the information from the Department to complete the analysis.

A second letter from Tom Vail, chief of staff, dated November 5, states that the material has just been received.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., November 5, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing a copy of the Administration's revised revision of H.R. 16311, the Family Assistance Act of 1970.

You will recall that Under Secretary John Veneman of the Department of Health, Education, and Welfare submitted a revised revision of the bill to the Committee during its executive session on October 13 and asked that the Committee vote on the new version of the bill. Instead of voting on the new version at that time, the Committee decided that it should be printed, together with other materials prepared by the Department and an analysis by the staff, and sent to members of the Committee during the recess.

The enclosed Committee Print represents this document. A brief analysis with comments, tables and charts prepared by the Committee staff is printed on blue paper at the beginning of the document. This is followed by materials prepared by the Department, the text of the Department's revised revision, and additional amendments prepared by the Department for possible Committee consideration, all printed on white paper.

If you have a copy of the bill submitted by Mr. Veneman on October 13, you will note that the Department's latest version of the bill differs in a number of respects from the October 13 version due to the changes made by the Department fairly continuously between that date and the date of final printing. Unfortunately, it was this continual revising which prevented us from printing the document and forwarding it to you sooner.

Sincerely,

TOM VAIL.

Mr. WILLIAMS of Delaware. Mr. President, in the November 5 letter he said he had just received the information, and yet they came before the committee on October 13 with a 150-page package which they wanted us to vote on without reading. It took the Department another month to get back to the committee a printed version.

This is the kind of confusion and lack of cooperation that has been existing in the Department of Health, Education, and Welfare. I know there is confusion in the Senate, too, but I do not have any idea of what must be going on down there. I will say this: neither does anyone else connected with that Department. I have never seen such irresponsible management or lack of knowledge as to what is going on as exists in that Department. Department officials came before our committee, and never have I seen witnesses coming before a committee representing an executive department who knew so little about the proposal they were asking Congress to adopt. I was present on one occasion when it appeared the former Secretary of Health, Education, and Welfare had not even read the bill and did not have the slightest idea what it was all about.

Mr. TALMADGE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. TALMADGE. Does not the Senator recall when Secretary Finch came before the committee and attempted to present a bill, and the distinguished Senator from Oklahoma (Mr. HARRIS) dressed him down and told him that was the poorest presentation he had ever seen anyone present to a committee of the U.S. Senate since he had been a Member of this body.

Mr. WILLIAMS of Delaware. I do remember it. I have that very quotation by the Senator from Oklahoma (Mr. HARRIS) in front of me. Let me quote it:

With all due respect, gentlemen, I believe this is the most ill-prepared presentation that I have seen since I have been in the

Congress of the United States. I am really amazed that some of these very simple questions do not get a very quick and easy response—such things as just asked a minute ago about medicaid, and the questions I asked yesterday about the day-care costs. It seems to me that those are things which ought to have been easily available, because they ought to have been thought out in advance when you put this plan together.

Mr. President, that opinion was the unanimous sentiment of the Finance Committee. After that miserable presentation had been made it was so apparent that the Department did not know what the bill was all about that the committee interrupted the hearings and called an executive session. The Secretary of the Department of Health, Education, and Welfare was called in and asked to go back and rewrite the bill. Meanwhile we suspended the hearings until HEW could report back and we could at least find out what was in the bill.

Mr. STEVENS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. STEVENS. Is the Senator referring to Secretary of Health, Education, and Welfare Richardson?

Mr. WILLIAMS of Delaware. No, to former Secretary Finch.

Mr. STEVENS. Secretary Finch.

Mr. WILLIAMS of Delaware. Yes.

Mr. STEVENS. Was the comment the Senator from Oklahoma (Mr. HARRIS) made concerning Secretary Finch or Secretary Richardson?

Mr. WILLIAMS of Delaware. It was made at the time Secretary Finch was the head of HEW.

Mr. TALMADGE. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. FANNIN). The Senate will please be in order.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate, that quotation by the Senator from Oklahoma appears in the committee hearings which are on Senators' desks under the date of April 30, 1970.

Mr. STEVENS. If the Senator will yield additionally, briefly, it appears that the Senator has made some rather broad statements regarding the ability of these two men who have been Secretaries of Health, Education, and Welfare in the period that I have been here. I am sort of amazed to hear such a broad statement being made, coming from my good colleague from Delaware, concerning either of these gentlemen. I wonder whether the Senator could tell me how this occurred, how they happened to get so many versions of the bill? Was it because of the complete reticence on the part of the Finance Committee to consider the bill at all in the first instance? What led to the many versions that the bill has gone through?

Mr. WILLIAMS of Delaware. If anyone has the answer to that question, I would appreciate hearing it. I do not have the answer. The committee scheduled very promptly the hearings on this proposal. The committee has tried to work diligently with the Department, but each time we kept getting some reason why the Department had to ask for more time.

It definitely was not the committee's fault that the Department kept changing its mind.

Mr. LONG. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Inasmuch as it has been suggested that the Finance Committee was dragging its feet, I would like to point out that the hearings were scheduled by the committee the day after the House passed the bill, to begin within 2 weeks of House passage. It was at the request of the Secretary of Health, Education, and Welfare that the hearing was postponed, but when he did come before the committee and questions were asked, the kind of things that have been discussed here in this Chamber, the answers showed how ill-considered the bill was at that point.

The Senator from Oklahoma (Mr. HARRIS) said that was the poorest presentation he had ever heard on any major piece of legislation. He said that he had come prepared to support it but he had heard the rumor that the administration was planning to scuttle the bill in the committee and perhaps that was why there was such a poor presentation by the administration witnesses. The Secretary denied that it was intentional. He said that no one could have contrived such a scenario as had been witnessed there that day, that no one could have contrived to give a presentation that was made so poorly.

Mr. WILLIAMS of Delaware. That is correct.

I would like to dispel the thought that the Finance Committee is responsible for the bill's being before the Senate at this late date. The question has been asked, how come so much delay in consideration of the administration's family assistance plan, implying that this delay was entirely the result of dilatory action on the part of the Finance Committee. Let me make the record straight on that.

Mr. HANSEN. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. In an effort to shed some light on this question further, as posed by the distinguished Senator from Alaska (Mr. STEVENS), let me suggest possible reasons why so many different revisions were made of a plan. I assumed that it must have been scrutinized and studied, and must have been prepared and followed with diligent efforts. I would hope that the HEW would not have come before Congress with a plan that had not been considered and scrutinized and examined from every angle, because we are aware that with respect to medicare and medicaid, every time an actuarial study has been made of these programs, the cost has increased. The cost that will result from their continued implementation as compared with the revenues that are intended to fund them, indicate that over a period of 25 years, those two programs will be $216 billion in the red.

Now with that experience behind it, I cannot think that the HEW would have come forward without having a considered plan. But while these may have been many revisions—I have forgotten how many—I can only say to my good friend from Alaska that as we examined the proposals in the family assistance program, against the backdrop of the goals that the President hoped to obtain through welfare reform it just did not seem that the proposal accomplished the objectives the President had in mind.

The incentives that would encourage people to move from welfare into the private sector of the economy as working citizens could not be identified.

As the distinguished Senator from Delaware has pointed out and as the distinguished Senator from Georgia has pointed out as well, on different occasions, in the city of New York, a working mother with four in the family—a female head of the family with four persons, if that mother were to take the benefits that are available to her as a resident of the State of New York, living in New York City, taking advantage of public housing, and if she got low-income supplements which would be available to everyone in the State, if she took advantage of medicaid and medicare, if she used available food stamps, and took advantage of the such other programs available there, she, without working at all, could have the equivalent of $6,210,000 income per year.

But if she went out and took a job and went off welfare and moved into the type of activity that the President of the United States has called for in this bill and was to find employment and earn through that employment $7,000 a year, she would be $1 poorer by working and earning $7,000 a year than she would be if she had not turned a hand.

I think this is the sort of questioning that came about in the Finance Committee that may have caused our good friends at HEW to come forward with no less than seven revisions.

I can say this. I do not know. I am speculating. I do not know what was in their minds. All I know is that when the members of the committee started to examine the bill and got to probing and questioning, along with the distinguished chairman of the committee, it seemed as though the bill did not accomplish what it was supposed to accomplish.

I am in complete accord with the President of the United States. I want welfare reform. I want to give the people of this country an opportunity to go to work and to give them some incentive to go to work.

I do not believe this bill accomplishes that. I am delighted that we rejected the motion to table. I do not suspect the distinguished chairman of the committee had his heart in it when he proposed it.

I believe that he, too, shares the feeling that we ought to understand this, we ought to realize that this is a charade, that the bill does not accomplish what we might hope that it would accomplish.

Mr. President, I have spoken longer than I should have. But I would like to say to my good friend, the Senator from Alaska, that I do not know why HEW came up with seven different plans. It seemed as though every time we started finding fault and picking their plan

apart to show what was wrong with it, they would then come in with a new set of charts.

Is that correct?

Mr. WILLIAMS of Delaware. Mr President, the Senator is correct.

I would like to call attention to the chart in the rear of the Chamber. It shows how this bill, if executed, would work.

Much has been said to the effect that this bill only provides $1,600 for a family of four. Everyone asks, "What are you complaining about? That is a very small amount for a family of four."

I agree. But the $1,600 is only the beginning. This $1,600 direct Government payment automatically triggers in these mandatory supplementary payments which are outlined on the charts in the rear of the Senate Chamber.

These are the mandatory payments to the family in addition to the $1,600 from the Federal Government. In New York this $1,600 payment triggers in $2,156 additional State supplement payments, which are 70 percent Federal participation. This brings the family's cash income to $3,756, tax-exempt; but that is not all.

In addition to that they can get food stamps with a value of $312.

The food stamp bonus was $312. Then there are medicaid benefits for this family which cost on an average of $1,153 annually, plus another $989 in rent supplements or public housing. This is a total of $6,210 for this family of four in New York City.

Suppose the city letter carrier that is delivering this welfare check has a family of four. His income is taxable, and after he pays taxes he has $6,209 left, or $1 less by working and earning $7,000 a year than the same size family gets if on relief.

Is that a work incentive? That is what is called a work incentive program under the administration's bill. It is an incentive for what? It is an incentive to go on welfare and to quit work.

Let us examine this New York chart further. If they earn $1,000, they would have after taxes $6,746 in money and benefits in kind. If they earn $7,000 the family of four, after taxes, will have $6,209 left, or $1 less than if they remained on welfare.

In other words, they talk about a training program to train a man or woman to improve his or her earning capacity. Suppose the head of this family is earning $6,000 and goes to a training school and gets promoted to $7,000 a year; he has $1,300 less income than he would if he had spit in the boss' eye and never gotten the promotion. He would have $7,512 in cash and benefits under this bill if he earned $6,000 a year, but if he earns $7,000 he drops back to $6,209 after taxes.

Suppose a plant is operating with employees on a $7,000 wage base, and the union leader sits down and negotiates an increase to $8,000. If the management agrees to raise their salaries to $8,000 a year average, each worker would have $6,781 after taxes. That is for a family of four. That is the result if they get an increase of $1,000, or a raise from $7,000 to $8,000. But if their union is on the job and will consult with the management and say, "Now, boss, instead of raising these salaries for your employees $1,000, cut them all back to $6,000." The employee with a family of four earning $6,000 would have after taxes $7,512 in cash and benefits in kind, an increase of $1,300 over what he would have if he continued to earn $7,000.

Is that the kind of work incentive program that Senators want to approve? That is not the kind of incentive that I support. This bill if enacted will pay a premium to the man who slides back into welfare.

The so-called work incentives are in reverse. I have been here in Washington for 24 years. I have never had Potomac fever yet. I hope I do not get it before I leave if such a proposal as this is the result.

We had the department check these examples for four States. We did not ask them to check the 50 States, but I asked them, "Do you have any reason to think that if you check any one of the other 46 States the result would be different?"

They said, "no." The answer was emphatic, so we accepted these statistics as a national pattern.

We told them that if they had any other State that would come up with a better showing for their so-called work incentives program we would like to have it. They did not have it.

Mr. President, I ask unanimous consent that this chart relating to how this bill if enacted would work in New York be printed in the RECORD.

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

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN NEW YORK CITY, N.Y.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act	Total net money and in kind
0	$1,600	$2,156	$3,756		$312	$1,153	$5,221	$989	$6,210
$720	1,600	2,156	4,476	$37	288	1,153	5,880	811	6,691
$1,000	1,460	2,109	4,569	52	288	1,153	5,958	788	6,746
$2,000	960	1,942	4,902	104	288	1,153	6,239	705	6,944
$3,000	460	1,775	5,235	156	288	1,153	6,520	621	7,141
$4,000		1,587	5,587	237	288	1,153	6,791	533	7,324
$5,000		1,016	6,016	460	288	1,153	6,997	426	7,423
$6,000		459	6,459	703	288	1,153	7,197	315	7,512
$7,000			7,000	971			6,029	180	6,209
$8,000			8,000	1,219			6,781		6,781

Mr. WILLIAMS of Delaware. Now, to get back for just a moment to how this bill has been handled by the Finance Committee. Surely it took time. It took a lot of time. I have spent more time on this bill than I have on any other bill that has ever been before the Finance Committee.

The bill was first recommended by the President on October 2, 1969. The Ways and Means Committee reported it on March 11, 1970. It passed the House on April 16.

I might say that when the President first sent this proposal down I endorsed it. I thought it sounded like a great plan. That was before we analyzed the bill.

Mr. President, before I proceed further I would like to make one point very clear. My criticism of this bill is in no way directed at the author of the pending amendment, the Senator from Connecticut, because he has been most cooperative. He has worked hard to try to get a realistic program.

But the Senator from Connecticut wanted this tested first. As of January 1970 there were 10,436,197 people on relief in this country.

If this bill is enacted this number will increase to 23,784,300, or more than double, and there is no reform as to correcting abuses under existing law.

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

Mr. WILLIAMS of Delaware. I yield first to the Senator from Connecticut and shall then yield to the Senator from Georgia.

Mr. RIBICOFF. Mr. President, the Senator is correct. This is a very complicated amendment.

There are still many doubts in my mind. I do not feel so self-confident that I have all the answers. I know from long experience that human nature does not always conform with what the social scientists may present in a legislative act. That is why I was so anxious to have a pilot program.

My feeling is that before this plan should ever go into effect, there should be a pilot program. The Ribicoff-Bennett proposal contemplates a pilot program that gives an opportunity to determine what is right and what is wrong with this legislation.

That would give us an opportunity before July 1, 1972, to make whatever corrections have to be made. I believe the basic plan is a good one.

My feeling is that within the thinking of the Senator from Delaware, the ma-

jority leader, the minority leader, and myself, we could work out a proposal, if we were allowed to work it out, to allow it to come before the Senate before Tuesday night.

Personally, I am ready to vote on any type proposal at any time. I would like a test vote. As I have discussed with the distinguished Senator from Delaware, I believe there are vehicles by which we can achieve the result we desire and the result the President desires and also which the Secretary of Health, Education, and Welfare desires, without casting any aspersions or reflections on the majority party or any member of the minority party who may disagree.

There are great complications here, and as men of good will we should recognize the realities of the legislative situation and work out a series of actions which would inure to the benefit of the people of this country and this body.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. There is no doubt in my mind that a plan could be developed. What the Senator has said does not change the fact that weeks would pass before we could get adequate information in the committee. The Department should have worked with us, but we did not have the cooperative spirit we should have had from the executive branch. Each time I sat down for negotiations I was told, "Yes, I am glad to negotiate with you if you will vote for the plan as it is."

They closed their minds to any loopholes we exposed and seemed to resent any form of criticism of their original proposal.

Mr. President, that is not the way to negotiate. There are problems in connection with the existing welfare system. One of the greatest needs confronting this country is the reform of the existing welfare system. I said that years ago. The Senator from Connecticut and I were responsible for committee hearings which began an examination of some of the problems in the medicaid program with the thought of putting together a reform package.

I do not recall a single proposed revision or correction of the medicaid program which was not mutually agreed upon by the Senator from Connecticut and me. I do not recall a single disagreement we had during all the time in trying to make revisions in that program. I think a correction of these loopholes which I am outlining here could have been achieved had we had similar cooperation from the executive branch. I may disagree with the Senator from Connecticut on the wisdom of enacting this legislation first and working it out later, but we can disagree as gentlemen, and I think we could have sat down and worked out a solution here if the administration had not been so adamant on its position. This bill would double the welfare rolls in this country before we get reform.

On March 25, while the bill was pending in the House, I inquired of the Secretary of Health, Education, and Welfare and asked for a statistical analysis of the bill as reported by the House committee with specific emphasis on the amount of payments to be made to recipients in the two largest States and the two smallest States. It was on my suggestion that the Committee on Finance insisted on this information before we opened hearings. I wanted to know what Joe Doakes and Tom Doakes would get, not just a political speech. The request was filed on March 25, and it was not until 9:30 p.m. on April 28, the evening before Secretary Finch was to testify, that the material was received. During the testimony of Secretary Finch the chart showing the statistical analysis of the bill was presented to the committee by Secretary Finch and his associates, and the mathematical result of this legislative proposal as shown by the charts shocked both the committee members and the Department.

The information I requested through the Committee on Finance was that all existing data dealing with welfare be taken into consideration and what the effect would be, assuming the bill were passed by the Senate in the form it had been passed by the House. I wanted to know how much welfare recipients in four selected States would receive. I shall discuss the charts in detail later. The result of the first bill was even more glaring that it is on these second charts shown here today.

After the charts were submitted the committee called the Secretary back in executive session and unanimously—Democrats and Republicans—suggested we should suspend hearings and cancel until the Department went back and prepared a revised bill.

I have already quoted Senator HARRIS' comments. The department returned the bill to the Committee on Finance in five installments beginning June 11. The final amended version was delivered to the committee on June 23, 1970, or a little over a month after it had been sent back. A couple of days prior to that date we were advised that Secretary Finch had resigned and that the new Secretary of Health, Education, and Welfare was to be appointed. This delayed the committee hearings upon the request of the Department so that the new Secretary, Mr. Richardson, could be confirmed and also so that he might have an opportunity to familiarize himself with the bill and prepare his testimony.

The schedule was approved by the Secretary of Health, Education, and Welfare that hearings resume July 21. They were adjourned 2 days later, on July 23 at the request of the Secretary, in the midst of his testimony, so that he could take a weekend trip with a presidential party goint out west. Hearings resumed on July 28.

Mr. President, after the hearings resumed the Secretary of Labor came down to testify, and he too asked for an adjournment of a week because he was scheduled to appear at the Governors' conference. The committee complied with his request for a postponement.

Mr. President, I have pointed this out to show that the delay was not our committee's fault.

Now I would like to mention how this bill if enacted would affect my State. I wish to call the attention of Senators to the chart in the rear of the Chamber. The first charts had even more glaring inequities. We have had so many charts and changed bills that it is hard to keep them separate.

The chart will show that under this bill a family of four would receive $1,600; that is, $500 each for the first two members and $300 for each child. In addition to this $1,600 there is the $188 State supplement, the food stamp benefits totaling $828, as well as the medicaid and housing benefits. Under this bill this family of four would get $3,775 in cash and benefits in kind. These are all tax-exempt benefits. This is $447 more than the family would have if the head of the family had full-time employment at the minimum wage.

If that same individual earns $5,000 a year he would have a total in cash and in kind of $5,358, but if he gets a promotion to $6,000 he loses $57 and goes back to $5,301.

Can this be called an incentive to work?

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

Mr. WILLIAMS of Delaware. I yield.

ORDER FOR RECESS UNTIL 9 A.M. ON MONDAY AND TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for adjournment to Monday and Tuesday next, respectfully, when the Senate business is completed today and Monday be changed to recess on both Monday and Tuesday when the Senate business is completed today and Monday—until 9 a.m. each day.

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 maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. Yes. I shall proceed with these charts later. I shall yield at this time, because we can not get this information presented today. I promised to yield to some of the other Members. I think it is important that the Senate understand this plan and understand just what is embraced in it because not much has been said about the plan on its merits.

In passing, I will make just this comment. We were told that the plan was endorsed by the Governors conference. The Governor of Missouri was before our committee in behalf of the Governors conference, and he presented our committee with a resolution endorsing

the family assistance plan on behalf of the Governors conference. He said at that time he had supported that endorsement. Then he continued that he thought that he had discharged his duty as chairman of the Governors conference and would like to tell us his opinion of the bill after he had read it.

He went on and gave a devastating analysis, recommending against the enactment of this bill. Four of the five Governors testified and found fault with the bill and said it should not be enacted into law until it was tested and proved. They pointed out the disastrous results it would have in their States. I shall refer to that testimony later.

I wanted to dispel the idea that this plan has been endorsed before our committee by the Governors conference. I know Governors have wired in recently that they want this plan. They have been told how much it would benefit their States if they could get it. I shall discuss that a little later to point out that this plan has been misrepresented, that it does not represent a saving to the States in their overall expenditures to the extent that they have been led to believe. In fact, the results will be a larger cost to the States.

I yield to the Senator from Iowa.

Mr. MILLER. Looking at the charts the Senator has had set up in the rear of the Chamber, I notice it is stated that the figures represent current law and medicaid. I notice that, in the example of Delaware, for all brackets of income from zero on up, the total for the medicaid payment would be $437, but looking at the other chart covering New York, the total average medicaid payment would be $1,153. I was going to ask the Senator how such a difference could exist between two cities.

Mr. WILLIAMS of Delaware. Each State can set its own welfare payment level, and the Federal Government participates on a matching basis. The States can balloon its cost. Therefore, to that extent it is a wide-open ticket into the Federal Treasury on a matching formula basis. This bill, however, does not correct that open-end formula either.

Mr. MILLER I appreciate the answer. Is it not true that that was one of the reasons why the Senate Finance Committee indicated to the department that the plan as originally sent over by the House, which had been worked on by the House Ways and Means Committee, was defective in that it would cause a discrepancy which would result in a disincentive to work? As a result of that, did not the department come back to the Finance Committee and suggest a family health plan to replace medicaid in the case of this program?

Mr. WILLIAMS of Delaware. Yes, and the officials of the department said they were going to come back in with a recommendation that food stamps could be turned into cash, and I notice some of the representatives of the Government have indicated the food stamp allowance would be $800, raising the payments from $1,600 to $2,400. If that took place it would increase the cost significantly. The department also said they were going to come in with a health plan next year. This proposed bill would become a part of the health plan. Payments would be made by the wage earners, and then to make that equitable they were going to deduct it from those on relief. They would deduct from welfare recipients a certain amount of withholding on their cash benefits in order to pay part of their health insurance.

The mathematical result would be that if the health plan which they had in mind went into effect next year it would reduce the cash benefits proposed under the bill. It would mean that we would start them with a certain amount of cash this year, with broad medical coverage, and next year we would reduce that amount.

My argument in the committee was why did we not take the health plan and the food stamp plan and all they plan to do and consider it all in one package. These welfare benefit programs are interrelated.

I was amazed when the Department told our committee that in deciding on the so-called $1,600 cash plan for a family of four, they had made no effort to relate it as to how it would affect various programs that would be triggered into operation. For example, if a person gets State supplemental help he automatically gets medicaid. In New York a man earning $6,000 would under this bill get $459 State supplement. That triggers medicaid benefits for his family, which, on the average, is worth $1,153. If he earns just a few dollars over that he loses his medical insurance overnight, in one notch. We cannot correct those notches if we do not recognize that they exist. This man earning $6,000 dare not get an increase in salary to $7,000. If he does he will take a cut in take-home pay of over $1,300. Yet they call this a work incentive program. It is the most diabolical incentive program for increased dependency on welfare I have ever seen presented to Congress. This is an incentive not to work. It is an incentive to pay people more not to improve themselves in life. If they do not go to work or if they do not make an effort to improve their present earning capacity they have more benefits from the Government.

I have said for some time that we need a revision of the present welfare laws. I had hoped we could get that reform in the last year I shall be serving in the Senate. It is something we have been advocating for years. It is something we need desperately, but we do not have it here. I hope, regardless of the outcome in this debate, Congress will go ahead and reform the welfare system. But when it does, it must not freeze into the new law all the inequities of the present law.

Some say that politically Congress dare not touch existing programs. Congress should not freeze benefit that everybody is getting, and say that later it will enact the reform.

To me reform is taking away from somebody something he is getting to which he is not entitled, and the other side of the coin is that it would be giving to somebody something he is not getting but to which he is entitled. It takes both sides of the coin if we are going to reform welfare. The administration has been looking at only one side; and that is, that it dare not reduce anybody's benefits, so they propose to correct it by bringing everybody up to these inequities. Once Congress does that we will expand and double the welfare rolls.

I think what we need is a program that will give a real incentive to American people to get off welfare so that they will want to make more to bring home to their families. There is no way in the world we are going to correct our welfare program other than by getting one that will financially encourage a man to support his family. There is no other way to correct the present welfare system, which we have been perpetuating generation after generation, than to give the father or the mother the dignity of a job, no matter what it is, the dignity of a paycheck, the dignity of coming home to his children with money to support them.

That is the reason I say we have to furnish jobs. Let them earn it. Let them work, and encourage them to improve their lot in life, and by all means encourage them to establish families, yes, get married and establish their families, rather than pay, as I pointed out earlier, a $1,300 cash premium to a young couple if they will have an illegitimate baby before they get married. It is indefensible to support a bill that encourages illegitimacy and call it reform. That is not reform; that destroys everything we stand for in this country—good family life.

Mr. MILLER. Mr. President, would the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I am trying to bring out a part of the history of the development of this whole thing in the Committee on Finance, specifically with respect to medicaid and the so-called family health plan.

It is my recollection that at the time of the original hearings and the charts, we found this horrible discrepancy and these horrible disincentives in the plan, and then, when the department came back with a number of revisions, one of the major revisions that it had, which was incorporated in a series of charts, was doing away with medicaid and replacing it by this family health plan, with a contributory feature; and it was on that basis that certainly a good number of the disincentives have been cranked out of the plan. Does the Sentor from Delaware recall that?

Mr. WILLIAMS of Delaware. Yes, I do.

Mr. MILLER. Does the Senator from Delaware recall that?

Mr. WILLIAMS of Delaware. Yes, I do.

Mr. MILLER. Does the Senator from Delaware also recall that when some of the members of the committee expressed great interest in the family health plan, we were told that it would not be possible for the department to prepare and present the legislative language for this plan until sometime early next year?

Mr. WILLIAMS of Delaware. That is correct.

Mr. MILLER. And that was several months ago, that they said that, was it not?

Mr. WILLIAMS of Delaware. Yes.

Mr. MILLER. I would like to ask either the Senator from Delaware or the pro-

ponent of the amendment, the Senator from Connecticut (Mr. RIBICOFF), if I could have his attention, whether or not the pending Ribicoff-Bennett amendment makes any provision at all for this family health plan.

Mr. RIBICOFF. No. There is no provision for a family health plan. As the Senator has stated, the administration proposed that at the beginning of the coming year, 1971, it would submit to the Finance Committee and to Congress its own health program, to take care of this basic need.

I think it should be pointed out that under the Ribicoff-Bennett proposal, the overall plan does not go into effect until July 1, 1972, for the working poor and January 1, 1972, for others.

Mr. MILLER. Will the Senator from Delaware permit a further question by the Senator from Iowa to the Senator from Connecticut?

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. And I might add that any revisions that had to be made because of the health provisions that would be presented could be revised between the time we come back, whenever that is, in January 1971, and July 1972. I have had in mind all the time that somewhere during the course of this testing, we would watch the testing very carefully in our oversight function, to see how it is working out, and then, as a result of what we discovered in these tests, undoubtedly we would be called on and we would want to initiate revisions of our own.

Mr. MILLER. The Senator from Connecticut has made a point, but he knows that I, and I would guess practically everyone else on the Finance Committee, thoroughly agreed as far as the testing program was concerned. But the Senator's response seems to indicate that since this plan would not go into effect for quite a while, the Senate and Congress would have a chance to do something about medicaid and put in a family health plan in the interim. I suppose if Congress can do that, we could also suggest that sometime before this whole thing goes into effect, Congress can do practically anything else with the plan by legislative action.

Mr. RIBICOFF. Yes, they could.

Mr. MILLER. If that is so, then, of course, that raises the natural question, why must we go ahead on a plan that is to become effective? Why not just the test program?

Mr. RIBICOFF. I think what we are trying to do is recognize that to put this plan into effect is very complicated. The administration has a lot of work to do even to get ready for July 1, 1972. It could not get ready for July 1, 1972 unless it felt that there was a reasonable or good probability that this was going to become law. If we did not have the triggering device that this plan goes into effect July 1, 1972, if the tests proved successful, and that if Congress did not reject, by either House, the proposal, then it could not make all those plans. This is very complex, involving many people, something like 14,000 in the 50 States and it is going to take a great deal of planning.

That is where those of us on the minority of the committee differed from the committee itself as to merely wanting the tests; we wanted the tests plus a trigger that it would go into effect July 1, 1972.

I think these are the safeguards against the fear of many who have doubts about this plan. I cannot quarrel with anyone who has doubts. I must confess that I have some doubts, too. But that is why we thought of the device of having the test plan, on a good basis in two areas.

Several Senators addressed the Chair.

Mr. MILLER. Will the Senator from Delaware permit a further question?

Mr. WILLIAMS of Delaware. Well, Mr. President, if I may interject for just a moment, I do not wish to monopolize this discussion. I am about halfway through my analysis of this bill. I would like to wait and pursue this later and yield the floor to other Senators, after yielding first to the Senator from Illinois, who has been waiting patiently. Then, I understand we are coming in at 9 o'clock Monday——

Mr. MANSFIELD. Yes. Would the Senator from Illinois yield on that point?

Mr. PERCY. I yield.

Mr. MANSFIELD. Would the Senator from Delaware give the Senate an idea of about how much longer he intends to pursue this subject this afternoon?

Mr. WILLIAMS of Delaware. I would like a reasonable opportunity to pursue it. Several Senators want to leave, and I think this is important enough not to present it to an empty Chamber. I appreciate the attendance we have had here, which has been very good. But I would not want to tire us out. We did come in at 9 this morning, and I was wondering if there would be any objection, at the conclusion of this discussion and yielding around, to asking unanimous consent that after we resume consideration of this bill Monday, I could proceed and call it the same speech.

Mr. MANSFIELD. May I say that as far as the leadership on this side is concerned, we are perfectly agreeable to such a proposal, but may I also say that I would hope that sometime soon we would have the opportunity to vote on this proposal, in which the administration has such a significant and overriding interest, either in whole or in part, on the basis of a time limitation or on the basis of the agreement suggested some days ago by the distinguished Senator from Delaware; because we ought to face up to it in some way or other, and insofar as we can, obviate the President's expressed wish or desire or suggestion that if we did not face up to this and several other proposals, he intends to consider withholding his signature from the resolution which has passed both hours calling us back on January 21.

So I am perfectly agreeable to what the Senator suggests. I only wish there were some way we could get down to voting on this conglomerate bill, just so the Senate can dispose of it one way or another.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. I will yield in just a moment.

I point out that the Senator from Montana, the majority leader, has been very gracious and cooperative about this, and I will comply with either request. I can just take my chances to get the floor. I know that with a recess a Senator is allowed to speak twice. But I will leave it to the Senate as to how they want to proceed. I have tried not to monopolize the time.

As the Senator knows, since this bill has been before the Senate the past couple of days, by a prearrangement between the minority leadership and the White House I specifically was not recognized until others who were speaking for the plan had presented it.

Mr. MANSFIELD. Just a moment. Is the Senator referring to me?

Mr. WILLIAMS of Delaware. No; I said the minority leadership. The majority leader has been most cooperative.

Mr. MANSFIELD. I know nothing about that.

Mr. WILLIAMS of Delaware. The leadership on our side——

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

Mr. WILLIAMS of Delaware. I was not recognized before, and this was the first opportunity I have had to speak on this plan since it has been before the Senate.

I have done a great deal of work on this bill. I think I am presenting some reasons why there are problems here and some valid points which I think can be thought about by other Members of the Senate. I have brought out some of them, and I would like them to be looked at over the weekend so that Senators will realize what they are voting on. I should be able to complete this analysis Monday.

There is another point which shows the danger of legislating hastily on a program such as this. The Senator from Connecticut will agree with me on this point. I am not quarreling with the parliamentary procedure in which this was brought before the Senate. It is under the rules of the Senate, but when Congress tries to legislate on the floor, problems develop.

Consider this: Suppose the Senate passes the Ribicoff-Bennett amendment as it is now before us. It is offered as an amendment to the Scott amendment in order to get it into a position which deals with social security increases. I assume Senators will vote in good faith. Then after that, suppose they approve the Scott amendment as amended by the Ribicoff amendment, the family assistance plan, which is what the administration is asking for. So what will have been done? These amendments, if approved as now before the Senate, would repeal 90 percent of the Social Security Act that is now on the statute books and reduce all those present beneficiaries to a welfare status. Perhaps that was not intended, but that would be the result.

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

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

Mr. WILLIAMS of Delaware. I will yield in a moment.

It may be an inadvertence, but the Senator from Pennsylvania (Mr. SCOTT) sent to the desk two pages numbered 8 rather than 7 and 8. The mathematical result is that if Congress approves these two proposals, for which we are asked to vote affirmatively, we will have repealed the social security benefits for every present social security recipient who did not establish an average monthly payroll of $468 a month. That means that more than 11 million people who are drawing social security benefits today would not get their checks after the date of enactment.

Someone said it is not as bad as it sounds; that they are picked up under the family assistance program, and they will be eligible under the pending bill. Do Senators want to advocate that drastic step? Yet that is what we would get. It may be that this was a mistake, but it is a mistake that was discovered only because some of us read the amendments before they were voted upon. This shows the danger of introducing a bill or sponsoring a bill and voting for it without reading it. That is why I say this bill needs to be analyzed. I venture to say that very few Members of the Senate have read either of these amendments. That is understandable in the closing days of the session.

There is no contradiction of this point as to the amendments' effect. I am not suggesting that our minority leader wants to repeal the Social Security Act——

Mr. MANSFIELD. It must have been entirely inadvertent. Any one of us could make the same mistake.

Mr. WILLIAMS of Delaware. The sponsor would not have made the mistake if he had taken the time to read it before he submitted it. Conceivably, had the Senate complied with the request they would have called the roll and voted "yea" for it. It would have been the law; and the Social Security Act would in effect have been repealed. I am sure that this would have been detected before it became law, but it outlines the danger of a rush in the closing days of the session.

I say that those points need to be examined, and that is why I think it is indefensible to propose a new bill this late in the session that has already been rejected three times by the committee handling it.

This afternoon, since 3:30, is the first time any of us who oppose this guaranteed annual income plan have had a chance even to get recognized while the bill has been before the Senate. It is not the majority leader's fault. Let me emphasize that.

I presented a unanimous-consent request to vote on this bill with all the various amendments, and there are no controversial amendments in this bill that are not mentioned by the President as "must" legislation. He called for enactment of the family assistance plan, yes, or the guaranteed annual income, which is a more appropriate name. He said he wanted a vote. But he also said that he wanted a vote on the quotas and the Trade Act. Both are in the same paragraph.

I say this to the majority leader and others: Can they get consent to limit time on this bill? I tried it the other day. But can they get consent to vote on this bill now before the Senate, all the amendments, vote them up or down—the Trade Agreements and all the rest? Can they get that consent? The answer is "No."

So I ask, What is proposed to be done—vote on this amendment alone and then stop and let them know that everybody is for family assistance? It is a wonderful name. I wish the administration had put "motherhood" in there. That would have sounded equally good, although I would have wanted to modify that suggestion and say "wedded motherhood." I do not want to see the Government pay a premium if one has a child out of wedlock. Yet that is what the pending bill would do. Surely Senators want that corrected, but this bill cannot be amended under the parliamentary rules to correct it. We must vote on this bill as it is before the Senate. The sponsors of this bill would pay a cash premium to a mother to have a child out of wedlock.

Also; the Social Security Act will be 90 percent repealed under the amendments we are being asked to support.

The sponsor of that amendment should have tried to read the amendment being offered. I think that would be good advice to those who offer amendments the next time, because there is no question but that the amendment at the desk in effect repeals the Social Security Act.

I shall refer to another provision in this bill, and then I will yield. This bill establishes welfare benefits in States, if it is passed, at a level substantially higher that is being paid to all the draftees in the military. That means that if this bill is passed the salary of these military personnel will be supplemented by welfare. For example, suppose a man working in the labor force and earning $6,000, $8,000, or $10,000 a year is drafted into the military. We know the low pay he gets. This bill provides that his wife and children get part of that supplement out of welfare to meet the poverty level of payment.

What kind of law is that where it puts a man who has never been on welfare, who prides himself that he provides for his family and children, and a salary as a soldier drafted into the service of our country in Vietnam—perhaps he loses his life—at a salary lower than the welfare family is to get. I proposed that the salaries of these military personnel be brought up to at least equal the amount that we pay the same size family on welfare in this country.

I do not support a proposal under which we we will continue to draft men and send them to Vietnam at the risk of their lives to defend this country and at the same time pass a bill that says, "We will take care of your family. Do not worry about them. Do not worry about your children. We have a bill here that will automatically make your family eligible for welfare the day you enter the Government's service in the military."

I say that that is an outrage. I do not think any Member of the Senate would have voted against an amendment to make sure that this soldier, who is serving in our Army, can get from the combination of his military pay and family allowance the same amount of money, and get it as a check payable for his service to the country, so that his family does not have to resort to what he may consider to be the stigma of welfare.

We talk about reforming the system. That is another inequity that should have been correct yet the bill before the Senate does not correct it. The two amendments before the Senate, I repeat, go in the opposite direction; together they repeal 80 percent of the social security law. Over 80 percent of those drawing social security benefits today would not be eligible for benefits on the enactment of this bill as it is before the Senate, and as it is not subject to an amendment—that is, the Scott-Ribicoff-Bennett combination, if it is adopted.

The administration says it is for these two amendments. I ask anybody in the administration—I ask any Senator to stand up and say that he would vote for the final passage of this bill if these two amendments are approved as presently drafted. Yet, they cannot be amended under the rules of the Senate. Let us find out where the Senate stands on these points. That is why I am willing to call the roll.

Mr. GRIFFIN. Mr. President, the majority leader indicated that he would agree to the request of the Senator from Delaware, if it were agreeable to the minority leadership. The Senator from Pennsylvania (Mr. SCOTT) is not on the floor at the moment. But I think I could speak for him. He did say earlier today that he wanted to be sure the Senator from Delaware had adequate time to make his presentation. I am sure, if he were here, the minority leader would not object to the request that the Senator from Delaware resume his presentation on Monday.

However, I should like to point out that the Senator from Delaware indicated he would like to resume the floor at 9 a.m. I believe he may be overlooking the fact that at 9 a.m. the Senate will be considering the SST issue under a previous arrangement, and the Senate will not return to the social security bill until 3 p.m.

Mr. WILLIAMS of Delaware. That is what I meant. When we resume consideration of the amendment.

Mr. KENNEDY. Mr. President, it is the intention of the leadership to afford a 1-hour period on Monday next to be set aside for a tribute to the distinguished Senator from Minnesota (Mr. MCCARTHY) who is retiring. We have been doing that for the past couple of days now. If the Senator from Delaware were to propound a unanimous-consent request to be recognized, we would enter no objection to such request, provided that it were to provide for time later in the day.

Mr. WILLIAMS of Delaware. That is right.

Mr. GRIFFIN. As of now, we will go back on this at 3 o'clock on Monday afternoon.

Mr. WILLIAMS of Delaware. I shall make the request that when I conclude today, I may resume my remarks as part of the same speech whenever we resume consideration on Monday on this same bill. I want to accommodate myself to the leadership. It is rather ironic that

the Senate is filibustering on another bill from 9 o'clock to 3 o'clock and then is being asked to consider this important legislation in the dark hours of the evening. But considering what is proposed in the bill I can understand that. Maybe the sponsors do not want the light of day to shine on some of the inequities in this bill, but I assure Senators that with a modern lighting system some of us are going to enlighten them. Again, I do not want this to be interpreted that I am going to filibuster. I have been here 24 years, and I have never taken part in one; and I am not now.

All I want is an opportunity to explain my views. I know that the Senator from Connecticut would be the first to admit that this bill would not be before us even now if it had not been for the fact that I and others who oppose the bill made quorums and gave consent to meetings of the committee during sessions of the Congress. It would have been a simple matter at any point to get up and say, "I object to the committee meeting." This was not done.

I frankly did not want to have to go back to Delaware, having objected to this bill, without a chance to outline why I objected. I welcome this opportunity, and I have no fear as to the outcome of the vote after the Senators understand the bill.

Mr. GRIFFIN. I would like to say in addition, that if the minority leader were here, he would want, and I do, too, to join with the majority leader in his strong expression that we do want to get to a vote on this amendment. Of course, those in opposition should have a reasonable opportunity to explain their side. First and foremost, of course, is the Senator from Delaware. But I do share the strong feelings of the majority leader that we should, after all the facts are in, get to a vote.

Beyond that, it should be said, on behalf of the minority leader, that if there was an inadvertent error in his amendment, and apparently there was, it can be corrected. After we vote on the Ribicoff amendment, a correcting or perfecting amendment to the Scott amendment could be offered and considered to correct the error that the Senator from Delaware has pointed out.

Mr. WILLIAMS of Delaware. If someone found a flaw in the amendment of the Senator from Connecticut we could not offer an amendment to correct that. I am merely outlining what the problem is. Some Members are assuring their constituents that they are for these so-called amendments. I want them to know that they are endorsing a proposal which may or may not be amended but which, if approved, will repeal 80 to 90 percent of the Social Security Act of this country. I will ask this question: In order to see when we can get to a vote could I get a unanimous-consent agreement now to limit the time on all amendments before us so that we know we could dispose of them? I offered a unanimous-consent request the other day for 6 hours each to title III, which is the trade amendments, and 6 hours on the catastrophic insurance—I think we had that for 4 hours, but I would take either—and put a time limit on this plan for a guaranteed annual income. I wonder, can we get consent of the minority leader or the acting majority leader to the point that he could agree to a unanimous-consent agreement to limit time on the trade agreements and all amendments on this bill?

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER (Mr. EAGLETON). Objection is heard.

Mr. WILLIAMS of Delaware. I see the Senator from Massachusetts is on the floor ready to object also. I appreciate his position.

Mr. KENNEDY. I did not object.

Mr. WILLIAMS of Delaware. The Senator has no objection? Good. Then I renew my request——

Mr. RIBICOFF. Mr. President, if the Senator will yield, I will not object, but I would like to comment in reply to the Senator's remark, before a unanimous-consent request is made. As a matter of fact, I will join in such an unanimous consent being granted. But there are some comments I would like to make, if the Senator will yield to me.

Mr. WILLIAMS of Delaware. I am glad to yield. The request was made, I say to the Senator, but it was objected to.

Mr. RIBICOFF. That is right, but I would hope there would be no objection. I do believe that the Senator from Delaware, as well as all other Senators who oppose the bill, are entitled to a great deal of time to explain their positions in opposition to this measure. It is complicated. I agree with the majority and the minority leaders, and the chairman of the committee, and the assistant minority leader that we would hope some time, within a reasonable time, to be able to vote on the Ribicoff-Bennett proposal. That should be voted on after adequate time has been given to the Senator from Delaware to explain his opposition.

I notice on the news ticker that the President, in a meeting with the leaders of the minority, mentioned the fact that the minority had an obligation to pass his program. So far as I know, there is no opposition basically from the majority to taking a vote on the family assistance plan. Most of the opposition to taking a vote on the family assistance plan that the President seems to want so deeply, comes basically from his own party.

I also want to point out—I do not have to defend the Senator from Pennsylvania (Mr. SCOTT)—that it is not true social security may be impaired.

I think that there are a number of Senators here, to whom this matter should be explained. When the Senator from Pennsylvania put in his amendment, he put in a table that included pages 7 and 8. How it took place, no one knows, but the reading clerk, when it was presented to him, had two pages 8 and the journal clerk had two pages 7. So in the CONGRESSIONAL RECORD, on page 42404 appears page 7. What the distinguished Senator from Delaware had, when he went up to the reading clerk, was page 8, indicating that pages 7 and 8 were submitted with the amendment by the Senator from Pennsylvania. For some reason, the Journal clerk got page 7 and reading clerk got page 8, due to some confusion.

May I point out to Senators when they vote for the Ribicoff proposal that at that time, when the vote is taken, it is definitely intended by either the Senator from Pennsylvania, myself, or any one of us to offer an amendment to the Scott amendment to correct this error. At that stage of the proceedings such an amendment will be in order—and such an amendment will be offered by the Senator from Pennsylvania—to correct the situation so that we would have tables 7 and 8. Not one single person in the United States would be deprived of one penny of social security benefits if we voted yea on the Scott proposal as amended by the Ribicoff-Bennett proposal.

I think we should make the record clear on that point so that if we vote for the proposal we are not jeopardizing the rights of the social security beneficiaries.

When I talked to the Senator from Pennsylvania about the position that was adopted—and which position the Senator from Pennsylvania made absolutely clear—he said:

> Abe, in what we are doing, I want to make sure that we in no way jeopardize or keep the social security beneficiaries from receiving the 10 percent social security increase and the $100 minimum, because I am totally for such a proposal.

So, therefore, this was due to some inadvertance. How it happened, I do not know. I put the blame on no one. But I do want to make it clear to the Senator that the social security beneficiaries in his State will not have their interests jeopardized.

Page 35 of the Senate Manual outlines the procedure whereby that would be made possible.

I would hope we would grant the unanimous-consent request of the Senator from Delaware. I would also hope that we could agree before we left the floor on a time certain to vote on the Ribicoff-Bennett proposal. The President of the United States desires it. The majority and minority leaders desire it. I believe that a majority of the Senate desire it.

Whether this vote takes place on the 22d, the 23d, the 28th, the 29th, or the 30th makes no difference to me. But I believe that the President of the United States is entitled to a vote.

I would suggest this respectfully to the President of the United States. I do not think the Senate of the United States needs any threats. I believe we are trying to do our job. I resent the President of the United States making threats toward the majority because I do not believe there is any other member of the Senate fighting harder for the President's family assistance plan than this Senator from Connecticut.

I want to say that I resent any reflection cast on the majority leader or any Senator on this side.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. I am certainly not casting any reflection on the motives of any Senators. It is very obvious that this is not a political issue.

I am on this side of the aisle, and I am expressing opposition to the proposal. I do say that as a loyal member of the Republican Party I always enjoy hearing on both sides of the aisle eloquent support for the President of the United States and his various plans.

It is wonderful to have such support, even though it may be on some bill on which we disagree.

The President also said he wanted his trade bill.

They are both in this same bill. They were both recommended in the same message in the same paragraph. The President asked for one right after the other.

Suppose I renew my request at a later time since we are all loyal supporters of the President of the United States. I made it clear that I am going to vote against the proposal, yet I am willing to enter into a unanimous-consent agreement after I have had a reasonable time to present my views. Others also want to speak, and they must be protected.

The same thing should be true about the trade agreement section. We are talking about the President's proposal. I remember the President in February made an eloquent plea to Congress about the need for the legislation dealing with the prospective strike of the railroads. Congress never acted. The President repeated his plea time and again. Nothing was done. We almost had a bad situation develop with the strike a couple weeks ago. All we did was to postpone that for 3 months.

Why was this bill not considered?

I think that should have been acted on. I would welcome a chance to vote on it. That bill has been before Congress for a long time. It has not even had the courtesy of committee consideration.

I only wish that we could have had this enthusiasm and loyal support of the President's proposals before. Even though it is late I welcome it.

I am willing to vote on this proposal. But on the other hand, there is not a single Member of the Senate—and if there is I will yield to him now—that will say there is any possible way under the parliamentary rules of the Senate, even if we vote on the Ribicoff amendment and on the Scott amendment, that it could ever possibly become law unless we vote up or down on the trade bill and on the welfare sections.

If all that those who are sponsoring this are after is only a vote so that they can go home and brag to their constituents how they voted, that is one thing.

I can tell the Senate how it can do that very easily under the rules. We can introduce a Senate resolution and ask for its immediate consideration saying that it is resolved that all of those voting for the resolution are for work incentives and for motherhood—perhaps I had better say wedded motherhood, because it would sound better back home. The Senate could pass the resolution and could also put in the social security benefits. We could say that we are for a 10-percent increase. Why not say 20 percent? It sounds better, and Senators agree now that it will not become law anyway unless we break this impasse on the trade and welfare amendments. Congress will be promising something to a lot of people on the eve of Christmas that every Senator knows cannot pass. I will yield to any Member of the Senate right now who would say that it could. There are 25 of us here. I will yield to any Senator who will stand up and explain how we can possibly vote on final passage of the bill before us even if we vote to approve the Ribicoff amendment within the next 5 minutes and approve the Scott amendment 5 minutes later. I would like some Senator to tell me how it can become law without facing up to the trade agreement and ending this filibuster. We cannot do it.

I do not see any takers who are willing to say we can do it under the parliamentary situation.

The Senate can vote on the proposal and go home and tell the social security recipients that they are for a 10-percent increase, for a 15- or 20-percent increase—I do not know why we should stop at 10 percent. Senators know they will not get it anyway. Why should we stop at $100 minimum. Make it $150.

This bill dies at noon on January 3, and every Member of the Senate knows it. It is not going to become law even if we approve the Ribicoff amendment under the present parliamentary situation. I say that as far as one Senator is concerned I will be a party to no such political hypocrisy.

Mr. President, I ask unanimous consent that I may resume my remarks when the Senate resumes consideration of this proposal on Monday and that it be counted as part of this speech.

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

Mr. WILLIAMS of Delaware. Mr. President, I promised to yield to the Senator from Illinois before. I forgot to do that. I shall yield to him and then yield the floor.

Mr. PERCY. Mr. President, I have one question of the Senator from Delaware. My own support for the Nixon family assistance plan has been based primarily on the fact that there is built into the system an incentive to work.

As I understand the Senator from Delaware, he has come to the conclusion that there is a disincentive to work that is greater than in the existing welfare plans. If that is true, I am deeply disturbed by the analysis he has made.

As I have understood it, the bill has built-in financial incentives to work that are greater than under the existing welfare. But it does not rely solely on financial incentives. It has certain other incentives and requirements that are part of the plan.

My belief that these will work is based upon the fact that in Illinois for 5 years now we have had a requirement that a man who is a welfare recipient get training. That has caused about 50,000 people who were on welfare to have gainful employment as a result of these requirements.

My understanding is that the family assistance plan proposed by the administration does require registration for work training or vocational rehabilitation as a precondition to receiving payments; that it has a proved provision for direct referral to jobs, that it has expanded training opportunities, a requirement to accept suitable work or training, and an expanded child care program which would free mothers for work who otherwise are tied down, and enhance development of the child at the same time. Lastly, it provides aid to the working poor in removing the incentive to quit work for welfare. Those are all provisions built into the plan.

I cannot see why there is more a disincentive to work under the plan than under welfare, where many of the provisions I mention do not now exist.

Mr. WILLIAMS of Delaware. I refer to the report to the committee of November 5, page A–25, and use the example for Chicago, Ill. Under the present law there are incentives to work. This is an example of a four-member family headed by a woman and refers to the net retained of each earned dollar. Under the present law when that woman goes out and works, with her child in a day care center, she can keep 54 cents from each earned dollar. Under this bill, the administration proposal, she keeps only 27 cents, which is one-half as much as under the present law. My point is that the incentive is cut in half. I think we need more incentive than there is under the present law. I want an incentive in the law where these people will be phased out of welfare.

In Arizona under the present law a person that trains himself and wants to go out and get a job gets to keep 62 cents out of the dollar, but if this bill becomes law he would keep 28 cents, which is a disincentive, compared with the present law.

In my State they would keep 71 cents today from what they earn when they get a job compared with only 23 cents of that dollar under this bill. There is not the same incentive.

In New York the cut is from 60 to 30 cents.

I agree with everything the Senator has said about the need for welfare reform, but the Senator has spoken on the basis of the analysis of this bill as they have been describing it downtown. I have said I endorsed the President's recommendation and still endorse what he seeks to achieve. I will support a bill tomorrow if we can get a bill with a mathematical formula to achieve what he seeks, but this bill goes in the opposite direction. The problem we have is that when these figures and different systems are related to each other there is not an increased work incentive, as they say, but there is an increase in incentive not to work.

For the four States that were selected we took two large States, Illinois and New York, and two small States, Arizona and Delaware, as examples. If a person gets $6,000 in Illinois after taxes he has $6,001, including the housing bonus. That is all the family would have left.

If that same person earns only $1,000 she has total cash in welfare payments and benefits in kind—food stamps, and so forth—equaling $6,197. That is

$196 less than if she earned $6,000. That is not an incentive.

The Senator knows if you want an employee to have incentive you give him a raise. It is something to work for.

Take the State of New York. If the person is making $7,000, he has after taxes $6,209 in spendable income, but if he gets an increase up to $8,000—and every bona fide worker should try to earn more—he gets a net increase of $572 for that work. But suppose he spits in the boss' eye and gets his salary cut to $6,000. He gets a $1,303 increase. He has $1,303 more by earning less. That is not a work incentive program. I know the Senator will agree with me.

Take the Senator's State of Illinois and the person with a $5,000 salary. He has expendable income including welfare, rent supplements, and so forth, after taxes of $6,867, but if he works harder and makes $6,000, under this bill he would have $6,001. That does not make sense. If they make $7,000 they have $6,508 or $359 less than if he made $5,000.

Can this be called a work incentive program. The only incentive to work under this bill is to work to get on welfare.

Those are the points I say need to be corrected. This person earning $5,000 should be encouraged to train to do a better job, get a promotion, and move forward. The entire system of our country is that a man can start from any level in life and by adapting himself and learning his trade, increase his earning capacity so that he can better provide for his family. But a situation is created under this bill where a man who wants to provide for his family cannot afford to take a $1,000 increase in salary without losing $800 for his family. He is put in a position where he has no incentive to improve his earning capacity. I do not think the Senator from Illinois would support a bill that would do that. Surely that can be corrected.

I have said repeatedly, and I know the Senator from Illinois with his background and experience in business will agree, that there is no problem that can be put together mathematically that cannot be solved mathematically if one sits down with the will to do it. There is no doubt in my mind that these notches can be removed. I know they can be removed. But a mathematical quirk or problem cannot be corrected unless first one admits and recognizes that the problem exists.

Our problem has been with the Department. They are living in the clouds. They are out busily making speeches about what they want to achieve. I could take President Nixon's speech that he made endorsing this plan, and I could stand on the floor of the Senate and use it as an argument against this bill. I am wholeheartedly in support of his objectives. The Senator from Illinois and other Senators support that objective. My point is that the bill before us does not do it. These are not my figures on the charts. I am not up here speaking from my analysis alone. That is the reason I wanted to take the time of the Senate to outline just what is wrong with this bill.

These charts I am using were not prepared in my office. I insisted that the Department of Health, Education, and Welfare prepare these charts and submit them to the committee with the name of Health, Education, and Welfare on them so that when I presented them to the Senate they would not say, "Well, JOHN WILLIAMS has gone nuts. It is inconceivable and it is hard to believe that these notches are here in this bill." These are the reasons our committee by an overwhelming vote voted not to report the bill. I think it is too bad for the Senate to accept when the Senate understands what is involved. I am not talking about a filibuster. The Senate knows I have repeatedly tried to limit debate in this instance I want the Senate to know what is involved before it votes, but then to vote. I want the Senate to work its will, but I would not want to see the Senate approve a plan that could only expand the extravagance of our present welfare system.

Let us not forget the taxpayers and wage earners who pay for this welfare.

That is the reason why I personally think the best course for this session of Congress would be as follows: I think the President and those who support this proposal would be well advised to proceed cautiously. I think the Senator from Connecticut would endorse this point. I am going to make the suggestion that this proposal be laid aside without prejudice and that when Congress comes in at the next session it take the time to try to work out a solution and do it without the administrations charging negligence on the part of the majority party or the minority party. We are not going anywhere if we try to turn this into political arguments. The question of whether it is a Democratic Congress which refuses to pass it or a Republican Congress which blocks it is immaterial. The question is, Is it good legislation which should be passed?

There is no man who respects the President more than I do. I supported him long before the convention. I expect to be supporting him long after this bill is gone and, I hope, forgotten. There is no question about that.

I think it is wrong to hold out the false hope that this is a welfare reform bill. It is not. I think it would be bad for Senators to go back to their States and say, "We in the Senate passed a program that is going to help you as a welfare recipient, we have passed a program that will encourage them to get off relief," when at the same time in the Senator's State, instead of getting 54 cents of every dollar they earn they will keep only 27 cents under this bill and in my State, instead of keeping 71 cents, they will get only 23 cents.

Can that be called an incentive.

Those people cannot understand those mathematics. They cannot look behind the formula. All they can do is look at the speeches being made, but those speeches do not solve the problem of illegitimacy or the problem of improving our welfare laws.

I repeat again, no welfare recipient will lose money as a result of this bill. One may then ask the question: "Why not, if you say he will get 27 cents instead of 54 cents from each dollar?"

He gets the difference in more welfare. Yet the dignity of that 54 cents as earning income is far better than 54 cents on a welfare check. That is the difference in my belief.

I think what we need is a reform bill that will remove these notches, a reform bill that will provide a bona fide work incentive so that a man on welfare will be able to see that the man who gets off welfare and enters the labor force benefits, so that the man who stays on welfare will be able to see that the neighbor who got off welfare and joined the labor force is gradually improving the standard of living of his family and getting some luxuries.

If we have a welfare program in which one welfare recipient sits at home and one enters the labor force, but the man who stays home ends up with more benefits, more cash, more luxuries, than the man who went to work, that is the direct opposite of what we want to achieve.

That will not reduce our welfare rolls.

I do not think the administration wants that result, but the Senator knows that in putting a mathematical formula together, with six components which they were not taking into consideration at the same time, a number of negative factors can come into operation.

One of the points that was overlooked in these notches is the fact that when a man works and earns a certain amount he pays a tax on those earnings. If he stays on welfare and gets the same amount he does not.

Another notch is that at certain levels, when he enters the labor force he has to pay hospital insurance for his family and is not eligible to receive free medicaid. That also creates a notch.

Another notch comes when he gets $600 or $800 for food stamps, and then when he makes $1 over a certain amount he gets no food stamps. That makes a $500 or $600 notch.

These notches have to be put on paper and recognized.

I was somewhat shocked when a department official before our committee admitted that prior to making any such suggestion with reference to all of these programs in which a welfare recipient may participate—and it is mandatory that in the Senator's State and my State they must become eligible—they did not put them together to see what the result would be or how they would be affected. All they did was to look at the first three lines.

If we look at just the first three lines and stop there it is a true work incentive program. There is no question about that. But it does not stop there, and these other programs are in the law. They are mandatory payments. I was shocked by that negligence on the part of a department for which we appropriate hundreds of millions of dollars, with all their experts, not figuring these together. That is the reason why I said earlier there is no excuse for it and that what we need is a good house cleaning in this agency of Government.

Perhaps if some of these people had been in what I will refer to as the labor

force and had had to work for a living, they would be more understanding. Instead they are living off the taxpayers and just dreaming up ways of how to spend the taxpayers' money with no idea of where the money would come from. There is nothing more dangerous to society than an egotistical bureaucrat, and this agency is full of them. It has gotten to the point that it has affected them so that they cannot reason clearly.

All we need to solve this problem is some good commonsense. These are some of the mathematics involved in this bill before us. I do not think any Senator here could get up on any platform in any State, before any audience, and explain and defend this plan if they showed it to the people and explained how it would work. I do not care if it would be in the poorer sections or the richest of an area. I do not think he would be able to convince anyone that we should have a welfare program in which the person who works will get less than the man who stays on welfare. They do not want that kind of program. Not one single Senator will endorse that kind of program.

My question then is, Why vote for it at this time? Why not recognize that this bill should not become the law? Why not lay it aside? We know it is not going to become law at this session anyway. Why not strip the bill down to the first two titles, which deal with social security and medicaid reform? Why not strike out titles III, IV, and V, strike out the pending amendment on trade, strike out the pending Scott amendment, strike out the Ribicoff amendment, and have a gentleman's agreement that neither the trade amendment nor the family assistance plan nor the guaranteed annual wage will be offered in this bill? Why not say that they are going to be put over into the next session, and then dispose of the medicaid sections and the social security sections, and send it to conference?

I say that as one who is not going to block a vote on this question, if Senators want to have one. But I will regret, and I will leave the Senate somewhat disillusioned, if the Senate passes these provisions by rollcall votes, and then perhaps following that votes for a 10-percent increase in social security benefits and a $100 minimum, knowing at the same time that this bill is not going to become law.

Right now, on Christmas Eve, I think that would just be the cruelest political hoax this Senate could perpetrate on the aged. I hope the Senate will not do it.

If we strike from the bill titles III, IV, and V, strip the bill at the same time of amendments which are pending and which are nongermane—the Ribicoff amendment on welfare and the trade amendment—and have a gentlemen's agreement that we are not going to pursue them in this session of Congress, whether we are for them or against them, and do the business of this Congress, then I think we will be well advised to go home.

This Congress has done enough to the taxpayers and the sooner it adjourns the better for our country.

Let the administration appoint a committee from the Finance Committee, the Ways and Means Committee, and other interested parties and try to come up with a plan that will work mathematically and not have these quirks in it.

It can be done. Let them come up here with such a plan, present it to Congress, and if it is a reasonable plan, one that has a true work incentive to carry out what the Senator from Illinois wants, what the President wants, and what every one says he is for, I am confident Congress will pass it.

But if they cannot come up with such a plan, let us not put one on the books, that we know will not work.

Mr. President, I have gone beyond my time. In line with the previous request, I yield the floor.

Mr. LONG. Mr. President, looking forward to the time when it might be in order to consider the various alternatives that might be suggested in order to expedite consideration of this bill, and in order to facilitate the consideration of it by Senators, I am going to ask that the bill be printed with each committee amendment numbered.

In that way, Senators can notify me or other members of the committee which amendments, if any, they consider controversial to the extent that they would not be willing to agree to a limitation of debate on those amendments, and we could take that into consideration with regard to any motions to limit debate or to recommit with instructions, or any of the various procedural motions that might be available to the managers of the bill.

Mr. President, I ask unanimous consent that the bill be printed with the amendments numbered.

The PRESIDING OFFICER. Is there objection? The Chair hears non, and it is so ordered.

Mr. MONDALE. Mr. President, I would just like to take a few moments of the Senate's time to report that I have been reliably advised that the negotiations between the Japanese Government and our Government over textile quotas were on the verge of a successful agreement, but before that was announced, a decision was made by the U.S. Government to back off from our proposal.

This is a report that comes from an indirect source, but it comes from a source that at least seems to me to be reliable, and I think it is terribly important, before we act on any trade legislation which has been predicated on the theory that it was necessary to force some kind of agreement, to find out whether in fact our negotiators were on the verge of a textile agreement, and whether that could now be quickly put into effect, and would nullify the need for any further consideration of the proposed textile restrictions.

I am further advised that the textile industry, when advised of our proposal, involved themselves quickly to encourage our Government to back off from any agreement. That would certainly be a strange change of strategy, because all along we have been told that if only the Japanese would agree to some kind of voluntary restrictions in the manmade and woolens field, as they had already agreed in the cotton field, it would not be necessary to proceed with formal statutory quotas.

Apparently once that had been achieved or nearly achieved, if my information is correct, the textile industry in this country changed its mind and urged our Government to back away from its proposal and from the imminent agreement. For what reasons I am not told, but one of them might be that they were aware that the Senate was considering formal statutory textile import quotas, and felt that they could do far better with such statutory restrictions than they could with the kind of an agreement which I had understood they had sought and which I have now been advised was near a successful culmination.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I would first like to conclude my statement.

I think that this information, which has, as I say, been relayed through informal sources, ought to be the basis for an inquiry, and I shall make such an inquiry to our Government, to determine whether an agreement has been reached, how close to an agreement we are if it has not been reached, and the extent to which it is possible to now conclude that the informal understanding that had been sought is now within reach, and that, therefore, to proceed further with statutory proposals for import quotas becomes unnecessary.

I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. Would the Senator mind revealing to the Senate the source of this information?

Mr. MONDALE. I am not at liberty to do so. I do say I received it from a source I regard to be reliable. But in any event, I am sure our Government could quickly advise us of the facts.

I thought this disclosure was of sufficient urgency, in the light of the pending legislation, that it should be made public, and that we should find out from our Government precisely what the situation is.

Mr. ERVIN. Is the Senator unwilling to disclose the source of his information, so that some of the rest of us might be enabled to ponder whether it is reliable or not?

Mr. MONDALE. Well, I would only say to the Senator from North Carolina that the source, which asked not to be disclosed, is known to me as being very reliable. But in any event, we can quickly hear from the administration if they wish to disclose what those facts are regarding our latest proposal to the Japanese and one degree to which we backed off from this proposal upon pressure from the textile industry.

Mr. ERVIN. Well, I would say to the Senator from Minnesota that, while not undertaking to dictate conduct on the part of other Senators, the Senator from North Carolina would never convey to the Senate publicly information from somebody who was unwilling to allow his identity to be disclosed.

Mr. MONDALE. I say to the Senator from North Carolina that if this information which I have received from what I regard to be a reliable source is accu-

rate, and Congress is not being advised of this important step, it is a very, very serious matter, which undermines the integrity of the legislative process, and I considered it to be of sufficiently serious import to raise this matter at this time, hoping for a prompt answer from the administration.

Several Senators addressed the Chair.

Mr. ERVIN. In other words, the Senator did not receive this information from Old Nicodemus, who travels only by night?

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

Mr. MONDALE. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, these seem to me to be very serious charges. I think that for the Senate to proceed on the assumption that they deserve credence would be a very risky operation. I can only say to my good friend from Minnesota, for whom I have the highest regard, that it would seem to me that if there is validity to the contentions that he has disclosed just now to us, we ought to be entitled to know specifically what has been revealed by his sources, and those sources should come forth and identify themselves; and until they do, I would hope that the Senate would give no credence to them. It reminds me of stories that were heard during World War II, when there were all sorts of rumors about peace. It took a long time after those first rumors were heard before we actually had any peace.

I do not mean at all to impugn the message that has been brought to us by my good friend from Minnesota. But I say that I think it is important that we know, first of all, specifically who is making such a statement, and then check out with sources in the administration the accuracy of those statements. After these steps have been taken, if they both disclose that the statements indeed deserve credibility and are true, then I would say at that time, and only at that time, is it proper to lay aside any consideration of a bill that has, in the main, the endorsement of this administration, a bill that is supported by a number of Senators on this floor, as was evidenced by a vote earlier. Until that sort of documentation can be provided the Senate, I would hope that we would give no further serious consideration to the charge.

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

Mr. MONDALE. I would not have said what I just said unless I were convinced that there was a serious basis for it. I think this is one of the problems of trying to operate on such sweeping legislation under conditions 1 minute to midnight before the adjournment of this Congress, when there is no longer time to hold hearings to explore such things as the feasibility of such textile agreements or other kinds of international understandings. As I have said, I received this information from a source which I believe to be sufficiently credible.

Mr. HANSEN. I have no doubt of that.

Mr. MONDALE. I thought it ought to be raised. If it is wrong, it is wrong, and the administration can tell us. But I received it from a sufficiently credible source that I thought it ought to be raised.

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

Mr. MONDALE. I yield.

Mr. FANNIN. Would the Senator be willing to say whether or not he received it in writing or whether it was just a conversation, and why he would consider it so reliable when we have had rumors about rumors coming along on this subject? As the Senator knows, we have had information in the press continuously about these rumors, but they are just rumors.

I have been checking very carefully on this matter, and I certainly have no indication, and in talking with members of the administration have no indication, of anything like this happening. We know that just the opposite has been happening so far as the formal reports are concerned. Is it in writing?

Mr. MONDALE. I think that is immaterial. I can only repeat what I have said. I received it from a source and in a manner which I found persuasive.

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

Mr. MONDALE. I yield.

Mr. DOLE. When the Senator received the information, was any effort made to check it with any administration official?

Mr. MONDALE. An effort was made to check it insofar as I felt I could. As I said, I am sufficiently convinced that it is a credible source, and I thought the announcement of what I had learned should be made at this time.

Mr. DOLE. Did the Senator make the announcement and then check with the administration?

Mr. MONDALE. I have checked as far as I felt I could. I think it is a serious allegation. The administration could make its response.

Mr. DOLE. With whom did the Senator check?

Mr. MONDALE. I will not go beyond what I have just said.

Mr. DOLE. The Senator cannot even reveal the source with which he checked?

Mr. MONDALE. I have gone as far as I am going to go on that.

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

Mr. MONDALE. I yield.

Mr. GRIFFIN. I was busy conferring with the distinguished Senator from Connecticut (Mr. RIBICOFF) and the distinguished Senator from Delaware at the time the Senator made his statement, so I did not hear it. But I am told that he said that, on some source, he understands that an agreement with Japan on textiles has been entered into. Is that correct?

Mr. MONDALE. I have been told that it either had been entered into or was at least imminent, and that the textile industry got word of this, and our negotiators backed away from this allegedly near-agreement. So either an understanding has not been disclosed or we backed off from what was on the verge of an understanding in order to leave us in a position where we would continue to believe that it was futile to anticipate or contemplate that such an agreement was possible.

Mr. GRIFFIN. I should like to add this information to the colloquy. If such an agreement has been arrived at, it must have been within the last 2 days, which surprises me very much, because 2 days ago, acting in the place of the minority leader, I met with representatives of the Japanese Government in my office. I will have to check and get the names. The names of Japanese officials are difficult to remember and pronounce. They were representatives of the Embassy, and one was a distinguished member of the Japanese Diet, who came to me to plead with me to see if our Government would not change its bargaining position, that they were too far apart and they could not possibly agree to the severe conditions that our Government was insisting upon in the negotiations.

So I will have to say that that is very surprising to me, and I suppose it would be surprising to the officials of the Japanese Government who apparently do not know that such an agreement was arrived at.

Mr. MONDALE. I am told that this development occurred within the last 2 or 3 days.

Mr. ERVIN. Will the Senator from Minnesota pardon the Senator from North Carolina if the Senator from North Carolina would remind the Senator from Minnesota that these negotiations have been carried on under the auspices of the Department of Commerce, and if the Senator from North Carolina would further suggest to the Senator from Minnesota that there is a telephone line—many telephone lines—to the Department of Commerce, which could have been resorted to in order to ascertain the validity of these rumors?

Mr. MONDALE. As the Senator from North Carolina may know, these negotiations are being conducted under the direction of Mr. Peter Flanigan, of the White House.

Mr. ERVIN. But the Senator knows that the Department of Commerce has worked on them in conjunction. As a matter of fact, the Secretary of Commerce has personally attempted to get negotiations underway and has engaged in many of them himself.

Mr. MONDALE. It is my understanding, and has been for some time, that the principal negotiator for the textile agreements is Mr. Flanigan, although initially the Commerce Department and its Secretary were principally involved, and that the situation as I describe it is now essentially correct.

Mr. ERVIN. I will ask the Senator from Minnesota whether he has any reason to believe that Mr. Flanigan cannot be reached by telephone?

Mr. MONDALE. Just permit me to say that, as I indicated earlier, I have received this information from a reliable source. I believe that it is essentially accurate. At this moment, with so few legislative hours to go, and affecting, as it does, a fundamental issue of national trade policy, I thought it important to make this known.

Mr. ERVIN. Does the Senator from Minnesota think they are going to decide national trade policies on such rumors as this?

Mr. MONDALE. For example, just a few moments ago it was proposed that we agree on a unanimous time agreement on the trade legislation, which could have been taken and agreed to without knowledge of this occurrence. I think that would be a very serious situation.

Mr. ERVIN. The Senator from North Carolina would be very glad to vote early Monday morning on the trade agreement and would make a unanimous-consent request to that effect had he any anticipation that it might be granted.

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

Mr. MONDALE. I yield.

Mr. STEVENS. What type of agreement was contemplated by the report the Senator has—a voluntary agreement on the part of the Japanese to limit their exports to this country? I do not quite understand the nature of the agreement the Senator indicates was about to be entered.

Mr. MONDALE. This is at the heart of the whole controversy surrounding the need for legislation to impose arbitrary trade quotas by statute affecting textiles. The argument has been widely discussed that if only the Japanese would reach an understanding with our Government for some sort of informal restraint on the importation or the exportation of Japanese textiles into the United States, an understanding affecting manmade and woolen fabrics, such as that which now has been reached and long since reached in the cotton textile field, it might not then be necessary to have statutory restrictions.

The development which I have reported earlier would have a fundamental bearing on whether any action would be needed by Congress by way of statutory restrictions on textile quotas.

Mr. STEVENS. If I may interrupt there——

Mr. MONDALE. Because we are within minutes or hours or days from adjournment of this Congress, because we are being presented with proposals for limiting debate on the trade bill which I regard as being one involving revolutionary changes in American trade policy, and because I received the information I had earlier reported on the source which I found to be fully credible, I thought it important to make that disclosure.

Mr. STEVENS. I might say to the Senator that I happen to be one of those who voted with him on this matter, but on the other hand, if the Senator's report is one on a voluntary quota system, which is what the Japanese Government saw fit to impose on the steel exports about 2 years ago and then promptly disregarded, I might seriously have to consider changing my mind. It may be that if the Senator is indicating we should not act in the Congress on the basis of some unilateral representation to the Japanese Government, that they are ready now to take action and indicate, because the passage of the trade bill is imminent, that they would be willing to enter into some form of voluntary agreement on their part, that is one thing; but if the Senator is indicating that our Government and theirs are about ready to enter into a solemn agreement that would be presented to the Senate for ratification, that is an entirely different matter. If I had been the Senator, I would have checked that out before putting it out to the public.

Mr. MONDALE. This is not a proposed treaty which would require our ratification. This is an informal trade proposal between the United States and Japan. My understanding is that the proposal that was offered either provided the basis of agreement or was immediately in danger of providing the basis of agreement and was an offer by this Government to the Japanese.

Mr. STEVENS. I thank the Senator.

Mr. MONDALE. Mr. President, I yield the floor.

COMPREHENSIVE ALCOHOL TREATMENT BILL

Mr. FANNIN. Mr. President, I ask unanimous consent that certain remarks of the Senator from Colorado (Mr. DOMINICK) concerning the comprehensive alcohol treatment bill be printed in the RECORD.

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

STATEMENT OF SENATOR DOMINICK

Mr. President, we have before us today the final version of a bill which is of paramount importance to all Americans. I am speaking of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. This bill has been given careful consideration by the members of the Labor and Public Welfare Committee in this body and by the Committee on Interstate and Foreign Commerce in the House of Representatives. Both Committees reported the bill to the floor of their respective houses unanimously. Both Houses have passed the bill as reported from their Committees unanimously. It is my opinion that this bill should be adopted today, and I urge all my colleagues to vote for this bill.

The need for this legislation is clear. It has been estimated that there are possibly 18 million alcoholics and problem drinkers in this nation. Alcohol contributed to some 25,000 deaths in automobile accidents and at least 800,000 crashes involving a tragic amount of injury, suffering and property damage.

Perhaps the most tragic aspect of this problem is the great personal losses which are not purely physical in nature. The families and friends of an alcoholic as well as the alcoholic himself suffer much in damaged personal relations.

Another aspect of this problem is the great cost to American industry. A recent Labor Department publication estimated the cost of alcohol abuse to industry at nearly $3 billion dollars. In a report to our Subcommittee on Alcoholism and Narcotics, the Comptroller General of the United States estimated that alcoholism in Federal employment may be resulting in costs of $275 million to $550 million annually. The report also estimated that a program costing only $15 million per year might result in cost savings of $135 to $280 million annually.

These figures only illustrate what a tragic problem alcohol abuse is in our nation. They do not and cannot reflect the human loss in wasted lives that alcohol abuse causes.

Clearly the need for this program is well established. Let us take the proper steps and pass this bill today.

This legislation has a number of major components which should be discussed. It establishes a comprehensive range of administrative tools in a single visible and broadly based Institute structure within the National Institute of Mental Health and gives a strong mandate for leadership and action to the Federal Government. The legislation provides for a carefully structured program for Federal assistance to States and local groups and organizations to encourage community based planning for and development of effective treatment and rehabilitation programs throughout the country for alcoholics. It requires the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for Federal employees. It provides sufficient funding authorizations to enable a program of necessary magnitude to get underway immediately.

This legislation will make it possible for the Institute to make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public or private agencies and individuals to develop programs for the prevention and treatment of alcohol abuse and alcoholism. It is vitally important for these programs to be community based, and to utilize public health rather than criminal or other punitive measures, in order to provide the most effective treatment possible. The bill provides a mechanism for processing applications for financial assistance made by units of local government and private organizations. Applications will be channeled through the agency designated to administer the alcoholism program within the State. The State agency will have an opportunity to comment upon the propriety of the particular plan under scrutiny, but may not prevent it from being sent to the Institute for consideration. As with formula grants, the money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to alcohol programs.

The bill will authorize a 3 year program of $300 million to carry out these grant programs. $180 million will be for formula grants to the states while $120 million will be for project grants.

Mr. President this is a well thought out program. It has been labored on long and hard by the Special Subcommittee on Alcoholism and Narcotics. The Chairman of the Subcommittee, Senator Hughes, has provided outstanding leadership in bringing this legislation to a reality. The senior Senator from New York, Mr. Javits, has worked diligently in moving this legislation through Committee.

This careful consideration coupled with the urgent need for action call for immediate passage of this bill so that it can be cleared for signature by the President. I strongly hope that my colleagues will pass this critical bill today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 578) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968).

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. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs;

S. 704. An act 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;

S. 719. An act to establish a national mining and minerals policy;

S. 2102. An act for the relief of Percy Ispas Avram;

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe, healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

H.R. 380. An act to amend section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal-bearing ores" in the Tariff Schedules of the United States;

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances 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;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

ORDER FOR STAR PRINT OF SENATE REPORT NO. 91-1510

Mr. KENNEDY. Mr. President, I ask unanimous consent to have a star print made of Senate Report No. 91-1510.

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

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1218.

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

ROBERT J. EBBERT AND DESIGN PRODUCTS CORP.

The bill (S. 1008) for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 151, title 35, United States Code, or any other provision of law, the Commissioner of Patents is authorized and directed to accept delayed payment of the final fee (prescribed in section 41(a), title 35, United States Code) in the application for United States Letters Patent of Robert J. Ebbert of Rochester, Michigan, serial number 308,411, filed September 12, 1963 and allowed April 12, 1966 for Mounting Frame for Electronic Components, assigned to Design Products Corporation, Troy, Michigan, as though no abandonment or lapse had ever occurred, if such final fee is paid within three months after the date of enactment of this Act. Upon payment of such fee, the Commissioner is authorized to issue to the said Design Products Corporation the patent for which application was so made. No patent granted on said application shall be held invalid on the ground that the final fee was not paid within the period specified in title 35, United States Code.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1197), 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 authorize and direct the Commissioner of Patents to accept late payment of the issue fee in the application for United States Letters Patent of Robert J. Ebbert, serial number 308,411, filed September 12, 1963, and allowed April 12, 1966, for a Mounting Frame for Electronic Components, assigned to Design Products Corp., Troy, Mich., as though no abandonment or lapse had ever occurred, and to authorize the Commissioner to issue the patent to the assignee if such fee is paid within 3 months of the date this legislation is enacted.

STATEMENT

Information contained in the files of this committee's Subcommittee on Patents, Trademarks, and Copyrights indicate that Mr. Robert J. Ebbert of Rochester, Mich., retained the law firm of Harness, Dickey & Pierce, 700 Fisher Building, Detroit, Mich., to represent him in efforts to secure a patent on his invention entitled "Mounting Frame for Electronic Components." The law firm prepared the necessary papers and on September 12, 1963, filed an application for a patent with the U.S. Patent Office. On October 7, 1963, Mr. Ebbert assigned all of his rights in the invention to Design Products Corp., Troy, Mich.

On April 21, 1966, the Patent Office sent a Notice of Allowance and Issue Fee Due to Harness, Dickey & Pierce, which stated: "With the allowance of the application, the * * *. Issue Fee becomes due and payment must be made within 3 months of the date of this Notice or the Patent will become abandoned." The Patent Office did not send the Notice of Allowance to Mr. Ebbert because its rules require that all communications intended for the applicant must be sent to the attorney of record rather than to the applicant. The law firm did not respond to the Notice of Allowance within the time required and the application lapsed for nonpayment of the issue fee.

On February 14, 1967, 10 months after the Notice of Allowance was issued and 10 days after Harness, Dickey & Pierce discovered that the application had lapsed, they filed a petition to revive the application and tendered the issue fee. In the petition, the law firm stated that the issue fee was not paid because of a clerical error made by several of its employees. The firm also set forth in the petition the sequence of events which led to the delay in tendering the issue fee.

During the time the subject application was pending, Mr. Ebbert filed a second application with the Patent Office to secure a patent on one of his other inventions. The second application, which was prepared and prosecuted by the Harness, Dickey & Pierce law firm, was filed on December 11, 1964, and allowed on May 2, 1966. And as in the current case, Mr. Ebbert assigned all of his rights in the invention to a corporation.

Under the firm's filing system, applications are placed in separate folders and filed alphabetically according to the inventor's last name. The folders are labeled with the name of the inventor and the client's case number. The case numbers in the office are assigned in increasing numercial order for each client, so that the first case handled for each client is marked "Number 1". This procedure was followed in the present case and it resulted in each of Mr. Ebbert's folders being labeled "Ebbert Case Number 1," because each folder contained the first application filed by the two assignee corporations.

Upon receipt of the "Notice of Allowance," the attorney handling the case instructed a file clerk to secure the folder containing the subject application from the central filing room and deliver it to his office. In carrying out these instructions, the file clerk inadvertently extracted the other "Ebbert

Case No. 1" folder which contained the second application field by Mr. Ebbert. After examining the folder, the attorney returned it to his secretary and instructed her to prepare the necessary papers for payment of the issue fee. The secretary prepared the "Issue Fee Transmittal Notice" for his signature. The attorney signed this notice and it resulted in the payment of the issue fee in the second application and its issuance on October 4, 1966. During these transactions, neither the file clerk, the attorney, or his secretary noticed the discrepancy in the serial number or the "Notice of Allowance."

The Patent Office considered the petition in view of 35 U.S.C. 151, which provides that an issue fee be paid within 3 months after a "Notice of Allowance" is sent, and further provides that—

"If any payment required by this section is not timely made but is submitted with fee for delayed payment within three months after the due date and sufficient cause is shown for the late payment, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred."

In interpreting section 151, the Patent Office held that it authorized the Commissioner of Patents to accept payment of the final issue fee only if it is tendered within 6 months from the date when the "Notice of Allowance" is sent. Since Mr. Ebbert had not tendered the final issue fee within the time required by section 151, the Patent Office denied the petition on the ground that it lacked statutory authority to grant it.

After the Patent Office denied Mr. Ebbert's petition, he filed a civil action against the Commissioner of Patents in the U.S. District Court for the District of Columbia on March 15, 1967. In his suit, Mr. Ebbert sought to compel the Commissioner of Patents to accept payment of the issue fee and to issue a patent. During the trial of the case, Mr. Ebbert argued that 35 U.S.C. 151 is not exclusive and that 35 U.S.C. 133 also applies to the situation where an applicant fails to make timely payment of a final fee after receiving a "Notice of Allowance." Section 133 provides that:

"Upon failure of the applicant to prosecute the application within six months after any action therein * * * the application shall be regarded as abandoned * * * unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable."

The District Court agreed with Mr. Ebbert's argument, and it granted his motion for summary judgment on February 18, 1967. In holding that section 133 was applicable the court said, "The prosecution of an application is not completed until the fee is paid and the patent issued."

The Patent Office held the view that the District Court misinterpreted section 133 and that the section was not applicable. Therefore, on February 26, 1967, the Commissioner of Patents filed an appeal to the U.S. Court of Appeals for the District of Columbia Circuit from the judgment entered on February 18, 1967. In rendering its decision on May 23, 1968, the Court of Appeals reversed the judgment of the District Court and held that acceptance of the issue fee was governed exclusively by section 151. In rejecting the argument that section 133 encompassed all actions taken by an applicant up to and including securing issuance of a patent, the court said:

"A stated purpose of the 1965 amendments to section 151 was to expedite the prosecution of patent applications and thus make new technology available to the public at an earlier date. If section 133 were construed as allowing an abandonment to be revived at any time, the purpose of hastening the beginning—and hence the expiration—of the 17 year monopoly period would be frustrated.

"Section 133 and 151 are contained in separate chapters of Title 35. Chapter 12, titled "Examination of Application," contains section 133, while Chapter 14, entitled "Issue of Patent," contains section 151. This dichotomy is strong evidence that the phrase 'prosecute the application' in section 133 comprehends only action taken by an applicant through gaining allowance of his application, because examination of the application is completed at that point. Congress established a separate statutory framework for what remains—issuance of the patent. It is a relatively ministerial act; if the issue fee is timely tendered, the patent must issue."

Mr. Ebbert sought to pursue his legal remedies before the U.S. Supreme Court, but it denied his petition for a writ of certiorari on October 28, 1968.

Mr. Ebbert has also advised the committee that his invention has been in public use for more than 1 year. As a result, the issuance of a patent on a new application filed by him is prohibited by section 102(b) of title 35 United States Code, which provides in part that an application for a patent must be filed within 1 year from the date the invention was first used by the public.

The bill provides that the Commissioner of Patents shall issue the patent to the Design Products Corp., the assignee, if the fee is paid within 3 months from the date of the enactment of this legislation. Design Products Corp. was founded in 1961 and is located in Troy, Mich. Its president and majority stockholder is Robert J. Ebbert of Rochester, Mich., a highly respected inventor and designer and who is the inventor in the subject application. The company currently employs about 12 people and its sales in 1967 amounted to about $211,000. Design Products Corp. is, to its knowledge, the only company in Michigan producing standard industrial solid state logic modules, the products covered by the subject application. It has been selling these units since 1963. As such, the company competes with such large companies as General Electric Corp., Square D and Cutler Hammer, which have competitive items.

At present, the product covered by the patent application (for which the company uses the trademark "Versaframe") accounts for almost 100 percent of the company's sales. The product is used to mount solid state components such as transistors, capacitors, and so forth, in various ways so as to be used in electronic circuits, permitting an extremely compact assembly of these components and also permitting them to be easily checked and tested. Important companies, such as Ford Motor Co., Parke Davis and General Motors, are buying this product from Design Products Corp in increasing quantities. The product is also used in educational institutions as parts of training aids. In 1965, the product received "The Product of the Year" award in a Troy industrial show.

As a general rule, the committee is opposed to special legislation providing for private relief from the general patent laws. In this particular case, however, the committee feels that the circumstances justify creating an exception to the time limit established by 35 U.S.C. 151. Mr. Ebbert's invention survivied the ordeal of examination and it was deemed worthy of a patent. But because Mr. Ebbert fell victim to an extremely rare combination of circumstances—a clerical error made by his law firm and the failure of the Patent Office to send its customary "Notice of Default"—he was denied a patent. The Patent Office practice has been, and is now, to send applicants a Notice of Forfeited Application when the issue fee was not paid within the initial 3-month period after issuance of the "Notice of Allowance." However, the practice was suspended from August 4, 1966, until March 1, 1967, as a result of an unusually heavy work load and no such notice was sent to Mr. Ebbert's law firm.

If relief is not granted in this case, Mr. Ebbert and the Design Products Corp. will lose all rights in the invention because of conditions completely beyond their control, a situation that the committee feels would be most inequitable. Passage of this legislation would provide Mr. Ebbert the public recognition he deserves and would prevent an unnecessary and unjust denial to Design Products Corp. of a patent covering its most important single product. The committee has been advised that no other party contests the claim of the Design Products Corp. to the patent covered by the subject application.

Therefore, for the foregoing reasons, the committee recommends that this legislation be enacted without amendment. The enactment of the bill will entail no cost to the U.S. Government.

In its report to the committee on S. 1008, the Department of Commerce stated that it was opposed to the passage of the bill.

WILLIAM HEIDMAN, JR.

The bill (H.R. 12128) for the relief of William Heidman, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1397), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay William Heidman, Jr., $15,000 in full satisfaction of all of his claims against the United States arising in connection with an alleged infringement of his patent covering an automatic parachute cargo releasing mechanism.

STATEMENT

The Department of the Air Force in its report to the House Judiciary Committee on the bill observed that the Air Force benefited by adopting a substantial feature of Mr. Heidman's proposal even though there may not have been a technical infringement of the patent. For this reason, the Department stated that should it be concluded that the merits of the case warrant action by the Congress, the Air Force would interpose no objection.

Mr. William Heidman of Grand Rapids, Mich., was granted the patent referred to in the bill which relates to a coupling unit for use with cargo parachute. As is explained in the Air Force report to the House committee this unit is designed to release the cargo automatically from the parachute when the cargo touches the ground. The Air Force notes that the patent discloses two forms of the coupling unit. The Air Force report notes that these two embodiments relate to the use of metal balls which perform the function of aiming and then releasing the coupling unit in the course of a parachute drop. While the language of the Air Force report is somewhat technical, it summarizes the sequence of functions involved in the operation of the unit as contemplated in the patent. In this connection, the Air Force report stated:

"U.S. Patent No. 2,693,980 relates to a coupling unit for use with cargo parachutes. The unit is designed to release automatically the cargo from the parachute when the cargo touches the ground. Two embodiments of the coupling unit are disclosed in the patent. The first, disclosed in figure 1–7, comprises a pair of releasably engaged coupling members and a first set of metal balls for releasably locking the two members together.

A second set of metal balls, in an initial setting of the device, prevents release of the locking members. However, after responding to a condition occurring after the parachute has opened with a load attached thereto by means of the device, the second set of metal balls drops through an opening into a lower container. This "arms" the device so that when load tension is relieved, as when the load reaches the ground, the locking members may separate to release the load. The second embodiment of the invention, disclosed in figures 8–10 of the patent, is a hook-type coupling unit which incorporates only a single set of balls corresponding to the second set of arming balls of the first embodiment. In this case, the balls position a locking bar against spring pressure which tends to move the bar to open the hook and release a cargo attached to the hook. Under load conditions, the balls are released, as in the first embodiment, and under a subsequent no-load condition, as when the load reaches the ground, the bar is released and the hook is opened."

The facts concerning Mr. Heidman's efforts to assert his claim against the Government are outlined in the departmental report and were discussed at a hearing on the bill held on Wednesday, April 15, 1970 by the Claims Subcommittee of the House Judiciary Committee. In September of 1951, the Air Force conducted tests on devices brought to the attention of the Air Force by Mr. Heidman. These tests were conducted at the Wright Air Development Command and involved devices similar to that shown in figures 1 through 7 of his patent. The same command has advised that Mr. Heidman early in 1952 supplied them with a disclosure containing illustrations similar to figures 8 through 10 of the patent. Beginning on February 14, 1955, Mr. Heidman raised the question of a possible infringement by the Government of his patent. In a letter dated November 8, 1955, Mr. Heidman stated specifically that claims 9 and 10 of his Patent No. 2,693,980 appeared to be infringed by cargo parachute ground releases then being procured by the Air Force. The Air Force conclusion was that there was no actual infringement because of the manner in which the claims in the petition were phrased and accordingly, the claim was denied by a letter dated December 28, 1955. At his request, his claim was reconsidered on a number of occasions and were the subject of several conferences between Mr. Heidman, his attorneys, and attorneys from the Patent Division of the Office of the Judge Advocate General of the Air Force. As has been noted, the Air Force position is that the claims of his Patent No. 2,693,980 are not broad enough to read upon the structure of the cargo release couplings procured by the Air Force. In addition, the Air Force appears to have questioned the patentability of a broadened patent claim.

However, the Air Force report states that none of the prior art considered by the Air Force disclosed the feature of a set of balls designed, on initial setting, to prevent the opening of a parachute release device and, in response to a subsequent condition (i.e., load tension on the device), to arm the device to be opened when the load tension is removed. This feature is common both to the patent disclosure and to the Air Force devices. This is, of course, basic to this claim. In order to gain a better understanding of this circumstance, as well as the patent implication of the Air Force position that Mr. Heidman's patent did not apply to the construction of the coupling devices procured by the Air Force, prompted the House subcommittee to schedule the hearing on April 15, 1970. The Air Force in its report recommends that the Air Force benefited by adopting a substantial feature of Mr. Heidman's proposal even though in its opinion the claims of his patent failed to cover the construction of the devices subsequently procured by the Air Force. The Air Force report stated its conclusions as follows:

"In view of its holding of noninfringement by the Air Force of Mr. Heidman's patent, as set forth above, the Department of the Air Force considers itself without authority to compensate Mr. Heidman through an administrative settlement. However, it is acknowledged that Mr. Heidman submitted his invention to the Air Force for evaluation and testing, the arming and releasing feature of which, as previously described, was incorporated into the release devices procured by the Air Force. Thus, the Air Force did benefit by adopting a substantial feature of Mr. Heidman's proposal, even though the issued claims of his patent failed, in the opinion of this department, to cover the construction of the Air Force devices. Accordingly, if the committee believes the merits of this case warrant favorable action, then the Air Force interposes no objection."

At the hearing before the House subcommittee, the Air Force testified that subsequent to the disclosures made by Mr. Heidman, a different type of parachute device was designed. However, this device embodied the "substantial feature" referred to in the above quotation from the Air Force report. This feature involves the use of a concept which is common to Mr. Heidman's original technical proposals in his patent disclosure and the device that the Air Force ultimately procured for use in connection with cargo parachutes. The House committee found that the department report and the testimony at the hearing established the fact that the Air Force used Mr. Heidman's disclosure as made in his technical proposals, liked the idea, but then due to deficiencies in the precise structure he disclosed, redesigned it. However, the redesigned unit retained the central inventive concept which relates to the arming and releasing feature of the ball chamber. This is the feature which is common with the Heidman disclosure and the Heidman patent.

The House committee has concluded that the facts and circumstances referred to above and outlined in the departmental report establish the basis for legislative relief in this instance. The House Committee concluded that the Air Force report clearly shows that due to the technical limitations of the claims stated in Mr. Heidman's patent, there was no infringement within the strict meaning of the patent laws. It is equally clear that the Air Force used the concept and derived a benefit from that use. Mr. Heidman's only recourse was to appeal to the Congress for relief. The Air Force has indicated that it would have no objection to favorable consideration of the bill but suggests a reduction of the amount stated in the bill. The Air Force report outlines the basis for recovery in parallel situations and concluded that the figure of $12,000 would be reasonable. After a consideration of the situation including the long history of efforts by Mr. Heidman for recognition of his claim, the House committee concluded that a figure of $15,000 would provide adequate compensation. Accordingly, the bill was approved by the House committee in the amount of $15,000.

The committee concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 12128, without amendment.

AMENDMENT OF THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT

The bill (H.R. 11547) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans was announced as next in order.

Mr. HOLLAND. Mr. President, before this bill is passed, let me say that I do not have any objection to its passage affecting loans from the Consolidated Farmers Home Administration but I opposed the bill in committee. I am opposed to enactment of the bill but I have no objection to its consideration because I realize that we are in the last stages of this session and I would not want to object so that the disapproval of one Senator would block Senate action on the bill.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1441), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would—

(1) Increase the maximum indebtedness against the farm or other security which could result from a farm ownership loan under the Consolidated Farmers Home Administration Act of 1961 to $100,000 (from $60,000);

(2) Extend veterans' preference for loans under that act to Vietnam era veterans; and

(3) Exempt veterans from the requirement that borrowers have a farm background.

NEED FOR INCREASING INDEBTEDNESS LIMIT

Inflation in recent years has increased the cost of an economic farm unit. The $60,000 limit, which was enacted in 1961, is no longer adequate.

COST

While the bill would increase the maximum limitation on individual indebtedness, it may result in sounder loans and sounder farm operations. It is not anticipated, therefore, that it will result in any additional Government cost.

RANDALL L. TALBOT

The bill (S. 1985) for the relief of Randall L. Talbot was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Randall L. Talbot, of Upper Marlboro, Maryland, is relieved of liability to the United States in the amount of $564.80, representing amounts received by him as reimbursement for costs incurred in connection with the purchase of a new home incident to a change of official stations required by his employment by the Government of the United States. In the audit and settlement of the amounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1458), 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 bill is to relieve Randall L. Talbot of liability to the United States in the amount of $564.80 which was paid to him by the Department of Labor in reimbursement of expenses arising from the purchase of a new home incident to a permanent change of official station as an employee of this Department.

STATEMENT

The bill, S. 1985, bears the favorable endorsement of the Department of Labor.

The facts of the case as contained in the departmental report are as follows:

"Section 4.1d of Bureau of the Budget Circular No. A-56, as revised October 12, 1966, imposed a limitation of 1 year within which reimbursement may be obtained by a Federal employee for the expenses of the sale or purchase of a residence after the date of reporting for duty at a new official station. Section 1.3d of the same Budget circular permitted reimbursement of travel expenses which were paid within 2 years of the same change of official duty station.

"Mr. Talbot reported for duty at his new official station on October 23, 1966. The settlement date for the purchase of his residence at his new official station was November 15, 1967, just 3 weeks in excess of 1 year after he reported for duty.

"Mr. Talbot was advised by the Department that the controlling date governing the allowability of his claim would be the date on which he contracted to buy the new home—April 25, 1967, rather than the settlement date. Accordingly, reimbursement of $564.80 was made to Mr. Talbot by the Department of Labor. Exception to the payment was taken by the U.S. General Accounting Office and Mr. Talbot is making payments of $21.72 biweekly through payroll deductions to liquidate the indebtedness to the United States.

"In view of the misunderstanding by this Department and Mr. Talbot of the time within which Mr. Talbot could be reimbursed for the expenses incurred in purchasing a new home after a permanent change of official station, and the very brief period of 3 weeks involved, I favor S. 1985 as the only means of correcting a misunderstanding which has resulted in hardship for Mr. Talbot."

In agreement with the views of the Department the committee recommends the bill favorably.

AMENDING THE INTERNAL REVENUE CODE RELATING TO DISTILLED SPIRITS

The bill (H.R. 10517) to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes, was announced as next in order.

Mr. HOLLAND. Mr. President, I have an amendment at the desk. I ask that I may be permitted to have it considered because I understood from the leadership and the Finance Committee that there was no objection at all to its consideration. The amendment is printed and is now at the desk. I shall explain it briefly.

Mr. President, I am perfectly willing for the bill to be passed with a brief explanation which may want every Senator to have it passed.

There was a provision for the admission of imported spirits and that was so interpreted as to prevent Bacardi coming from the Virgin Islands or Puerto Rico which are parts of the United States as being imported for storage and being handled as such spirits imported from France or Italy or other foreign nations would be imported.

The Committee on Taxation, the chairman of the Finance Committee, the ranking majority member—and the Treasury, by the way, all requested this amendment, and I would like for the amendment to be reported. I think it would be clear that is all that will be accomplished by it.

The PRESIDING OFFICER. The clerk will state the amendment. The assistant legislative clerk read as follows:

At the end of the bill insert the following new section:

"SEC. 7. AMENDMENTS OF SECTION 5232.

"(a) The first sentence of section 5232(a) (relating to transfer of imported distilled spirits) is amended to read as follows: 'Distilled spirits imported or brought into the United States in bulk containers may, under such regulations as the Secretary shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.'

"(b) Section 5232(b) (relating to withdrawals) is amended by striking out 'Imported distilled spirits' and inserting in lieu thereof 'Distilled spirits'."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

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. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1468), explaining the purposes of the measure.

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

I. SUMMARY

The bill, H.R. 10517, makes a series of amendments to the distilled spirits tax provisions of the Internal Revenue Code, which in general are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of these provisions. They can be summarized as follows:

(1) The bill extends the circumstances under which refunds, etc., of tax may be made in the case of losses from accidents occurring on distilled spirits plant premises.

(2) The bill permits voluntary destruction of distilled spirits in other situations, in addition to those now allowed. This voluntary destruction at present is permitted only before completion of bottling; the bill permits destruction after completion of bottling so long as the distilled spirits are on the bottling premises.

(3) Under present law, where voluntary destruction is permitted, refund, etc., is allowed for the basic $10.50-a-gallon tax on distilled spirits; the bill also authorizes refund, etc., of the taxes on rectification.

(4) The bill liberalizes the application of the loss provisions of present law relating to accidents, casualties, evaporation, etc., and of this bill (No. 1, above) in the case of distilled spirits returned from the market to their initial bottling premises.

(5) The bill provides a mechanism whereby foreign embassies (and others who may acquire imported distilled spirits without payment of internal revenue taxes and customs duties) may acquire domestic distilled spirits without payment of internal revenue taxes.

(6) Present law imposes expensive penal bond requirements when distilled spirits premises are subject to involuntary liens (such as mechanic's liens), even where the liens are in small amounts. The bill permits the proprietor of a distilled spirits plant to protect the interest of the Government in such a case by filing a bond in the amount of the involuntary lien, without the necessity of filing a bond for the entire value of the property subject to the involuntary lien.

(7) To permit more efficient use of bottling facilities, the bill permits distilled spirits to be treated as though bottled in bond, even though bottled in the regular bottling plant premises, if the bottling is done under strict Internal Revenue Service supervision and if the appropriate proof, etc., requirements are met.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. GENERAL EXPLANATION

A. Accidental losses of distilled spirits (first section of the bill and sec. 5008(c) of the code)

Present law.—The internal revenue tax on distilled spirits generally is determined when the spirits are withdrawn from bond. Refund (credit, abatement or remission) of this tax may be made when distilled spirits which are withdrawn for rectification or bottling are lost either: (1) by accident during removal to the bottling premises or (2) by flood, fire, or other disaster before removal from the premises of the distilled spirits plant (to which the spirits were removed from bond).

In addition, refund, etc., may be made as to losses (including those from accidents or evaporation) occurring before the completion of the bottling process if they resulted from authorized rectifying or bottling procedures. However, these losses are allowable only if they do not, for the fiscal year, exceed a maximum loss allowance schedule set forth in the code.

General reasons for change.—The committee concluded that present law is too restrictive with regard to losses occurring on the distilled spirits plant premises. In 1968, refund, etc., was permitted as to "casualty" losses occurring after completion of the bottling process but before removal from the distilled spirits plant. The committee believes it is appropriate to provide essentially the same type of treatment in the case of other large accidental losses. Since refund, etc., will be allowed under this provision only as to losses occurring before removal from the distilled spirits plant premises, no administrative difficulties are foreseen.

Explanation of provisions.—The bill allows refund, etc., of the basic distilled spirits tax ($10.50 per gallon, imposed by sec. 5001(a)(1)) if an accidental loss occurs on the distilled spirits plant premises in those cases where the loss from a single accident amounts to at least 10 proof gallons. This permits the filing of claims on an individual claim basis without regard to the maximum loss allowance schedules referred to above.[1]

As a practical matter, the most significant effects of this change are to permit refund, etc., of the tax whether or not the loss is incident to the bottling process, and also even though it may occur after completion of that process. In these cases the bill also allows the loss without regard to the maximum loss allowance schedule.

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[1] Losses of less than 10 proof gallons, for which refunds, etc., are allowable under the maximum loss allowance schedule of present law, will continue to be allowable under that schedule.

B. Voluntary destruction of distilled spirits (sec. 2(a) of the bill and sec. 5008(b) of the code)

Present law.—Present law permits the Internal Revenue Service to refund (credit, abate or remit) the $10.50-per-gallon distilled spirits tax where voluntary destruction of distilled spirits occurs before, but not after, the completion of bottling. The destruction may occur only where the proprietor finds the spirits unsuitable for use.

Voluntary destruction may be accomplished under these provisions only after application to the Internal Revenue Service for the destruction, after gauging to accurately determine the amount to be destroyed, and where the destruction occurs under Service supervision.

General reasons for change.—The committee concluded that the present provisions regarding voluntary destruction of tax-paid or tax-determined distilled spirits are unnecessarily restrictive, in light of the existing authority of the Service to require advance application, gauging, and supervision. So long as such authority continues to be properly exercised, the committee concluded that many of the other restrictions of present law could be substantially relaxed.

Explanation of provisions.—The bill removes the requirement that the decision to destroy the distilled spirits must be made before completion of bottling, but continues to require that at the time of destruction the distilled spirits be on the bottling premises to which they had been removed from bond for the refund, etc., to be available. Voluntary destruction is to be permitted whether those distilled spirits are on the bottling premises because: (1) bottling had not been completed (as under present law); (2) bottling had been completed but the bottled distilled spirits had not been removed from the premises; or (3) the distilled spirits had been removed but were returned to the bottling premises to which they had been originally removed from bond.[2] To facilitate administration the bill retains the requirement that the distilled spirits be on the bottling premises to which they were removed from bond, rather than on other bottling premises.

Present law premits refund, etc., of only the basic distilled spirits tax (sec. 5001(a)(1)) in the case of voluntary destruction. The committee concluded that there is no more reason to retain the rectification taxes (imposed under sections 5021, 5022, and 5023 at the rates of 30 cents per proof gallon, or $1.92 per wine gallon, depending upon the applicable provisions) than there was to retain the basic tax of $10.50 per gallon in such circumstances. Accordingly, the bill provides that the rectification tax may be refunded, etc., in the case of voluntary destruction, in addition to the basic tax.

The bill also removes the requirement of present law that the proprietor make a finding that the distilled spirits are "unsuitable for the purpose for which intended to be used." Since this presently is only a finding of the taxpayer, it is in fact largely a matter of form.

C. Returning of distilled spirits (secs. 2(b) and (c) of the bill and secs. 5008(c) and 5215 of the code)

Present law.—Under present law distilled spirits returned to bottling premises are not eligible for refund (or credit, abatement or remission) of taxes on account of the various types of losses allowed under present law (sec. 5008). Moreover, presently distilled spirits may be returned to bonded premises (i.e., the point before which a tax is determined or paid) only if they had been withdrawn in bulk containers, are later found unsuitable before removal from their original containers, and, immediately upon return, are destroyed, redistilled, denatured, or mingled.

General reasons for change.—The committee concluded that appropriate administration of the distilled spirits tax and regulatory provisions does not require such stringent limitations on the return of distilled spirits to bonded premises. It believes that so long as there is an opportunity for adequate supervision by Internal Revenue Service personnel and proper gauging and recordkeeping of the distilled spirits returned, the returns ought to be permitted and, in general, treated thereafter as though the returned distilled spirits had never left the bonded or bottling premises. However, these liberalized rules do not permit storage of distilled spirits in violation of the requirement (sec. 5006(a)(2)) that the tax on distilled spirits be determined within 20 years from the original entry for storage in bonded premises.

Explanation of provisions.—The bill permits distilled spirits returned to bottling premises to be treated, for purposes of the various loss provisions (under sec. 5008(c)) as though they had not been removed from the bottling premises. (One of the changes discussed above made by section 2(a) of the bill, also permits distilled spirits returned to bottling premises to be eligible for refund, etc., of tax upon voluntary destruction.) The bill also permits distilled spirits to be returned to bonded premises (with refund, etc., of tax under sec. 5008(d) of the code) and thereafter to generally be treated as though they had not left the bonded premises.

Distilled spirits to qualify under this provision are to be returned only to the bottling premises from which they were removed. Upon return, they are to be dumped and gauged in order to accurately determine the amount of the distilled spirits returned. Thereafter, those distilled spirits would be eligible for refund, etc., of tax in the case of losses in the same manner as distilled spirits which had not been removed from the bottling premises. (See discussion above, under *Accidental losses of distilled spirits*, for a summary of the manner in which taxes may be refunded, etc., in the case of various kinds of losses.[3]

The bill also eliminates as no longer necessary several of the requirements of existing law under which distilled spirits may be returned to bounded premises under this provision. First, the distilled spirits may be returned to the bonded premises even though they are no longer in their original container (for example, if they have been bottled or otherwise packaged for retail.[4] Second, they may be returned even though they were not removed in bulk containers (for example, if they have been bottled in bond). Third, they may be returned without requiring that the proprietor find the spirits unsuitable for the use intended.

In addition distilled spirits returned to bonded premises under this provision need not be "immediately" destroyed (sec. 5008), denatured (sec. 5241), redistilled (sec. 5223), or mingled (sec. 5234). The last change is intended to permit accumulation for short periods of time so that the denaturation, redistillation, or mingling may be accomplished in quantities sufficiently large to make the operation economically worthwhile. Removal of this "immediacy" requirement is not intended to be applied in such a manner as to enable the storage of the returned distilled spirits in bonded premises.

Finally, this provision permits mingling of the distilled spirits upon return to bonded premises where they are heterogeneous with the spirits with which the mingling occurs in accordance with the detailed mingling provisions of section 5234(a)(1)(B). As a result, the only mingling not permitted in the case of the returned distilled spirits is that described under section 5234(a)(1)(C), relating to homogeneous spirits; this is because the mingling, which is one frequently for further storage in bond, may result in avoidance of the "20-year force-out" rule referred to above, and this provision is not intended either to change that rule or to otherwise permit additional storage in bond.

D. Distilled spirits for use of foreign embassies, legations, etc. (sec. 3 of the bill and new sec. 5066 of the code)

Present law.—Under present law, distilled spirits may be withdrawn from bond tax-free tax for export. Distilled spirits upon which tax has been paid or determined may be exported and the owner may receive repayment of the tax by way of drawback.

Imported distilled spirits are subject to the same taxes that would have been paid on those items had they been produced in the United States. However, items may be imported tax-free for the official or family use of foreign governments, public international organizations, and certain individuals associated with those governments and organizations. This exemption from tax on imported items does not extend to exemption from the internal revenue taxes on a domestically produced item of the same or similar type.

General reasons for change.—Presently, if a bottle of distilled spirits is exported and then returned to the United States and withdrawn from customs by representatives of a foreign government, then neither the internal revenue tax nor the customs duty need be paid. However, it normally is not economically feasible to export an item and then import it. Also, such transactions on a significant scale would cast doubt upon the bona fides of the original exportation and might result in a determination that the distilled spirits should have been taxed in the first place.

In contrast, a bottle of distilled spirits produced in a foreign country, imported into the United States, and withdrawn for proper purposes by a representative of a foreign government would bear less transportation costs and would clearly be exempt from both customs duties and our internal revenue taxes on distilled spirits. The result is that representatives of foreign governments find it significantly less expensive to import foreign distilled spirits than to buy domestic distilled spirits.

The purpose of this provision is to enable domestic distilled spirits to compete in this segment of the market. In effect, this provision permits domestically produced distilled spirits placed in customs warehouses to be treated in the same manner as imported distilled spirits for purposes of making them available to foreign embassies on a competitive basis. Distilled spirits entered into customs bonded warehouses and then withdrawn for other purposes would be subject to customs duties.

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[2] Under existing law (secs. 5044 and 5056 of the code), wine and beer may be returned and destroyed and taxes be refunded, etc., under circumstances similar to those provided in this bill as to distilled spirits.

[3] The provision of the bill discussed in this paragraph replaces sec. 5008(c)(5) of the code, an unrelated provision which has become obsolete.

[4] Since the bill eliminates the requirement that the distilled spirits be returned in their original bulk containers, it also strikes out, as no longer needed, the special rule under which pipelines may be treated as such containers. However, since other alcoholic ingredients (such as wines) may have been added after removal from the original container and since refund, etc., should not be allowed for these ingredients at the distilled spirits tax rate, this privilege of returning to bonded premises is not to be available for any products to which alcoholic ingredients other than taxpaid distilled spirits have been added.

Distilled spirits (whether domestic or imported) are allowed to be withdrawn by embassies free of tax on the basis that they are for the use of the embassy. In view of the indication that some lesser employees of embassies have in the past resold distilled spirits illegally, the committee believes the Internal Revenue Service should keep a record of distilled spirits (whether domestic or imported) which the embassies obtain free of tax. If there is any indication that an unusual unexplained volume of distilled spirits was obtained free of tax, the Service should report the matter to the committee with suggestions as to legislative changes needed to deal with the problem.

Explanation of provisions.—This provision specifies that distilled spirits bottled in bond may be withdrawn from bonded premises and transferred to customs bonded warehouses without payment of tax for the use of foreign governments, public international organizations, and individuals who are entitled to withdraw imported distilled spirits from these warehouses free of tax. (As provided in items 822.10, 822.20, 822.30, and 822.40 of part 2 and items 841.10 and 841.20 of part 3 of schedule 8 of the Tariff Schedules of the United States (TSUS), 19 U.S.C. 1202.) Distilled spirits upon which tax has been paid (or determined) also may be entered into one of these warehouses for the same purpose. Where this is done they are to be treated as having been exported (and thus eligible for drawback of tax) at the time they are entered into the warehouses.

Domestic distilled spirits which have been entered into customs bonded warehouses under these provisions may be withdrawn from those warehouses free of tax for consumption in the United States by representatives of the foreign governments, etc., who are entitled to withdraw from such warehouses free of customs duties. They must be withdrawn by the person entitled to withdraw for the official or family use of that person; they may not be withdrawn as an accommodation for other people, for sale, or for consumption outside the United States.

Domestic distilled spirits which have been entered into customs bonded warehouses under this provision tax-free (or upon drawback of tax) may be withdrawn for regular domestic use. However, where this occurs they will then be treated as American goods exported and returned, and customs duties must be paid in amounts equal to the internal revenue taxes that otherwise would have applied. (See item 804.00 of part 1 of schedule 8, TSUS.) Distilled spirits withdrawn from a customs bonded warehouse which are improperly withdrawn or which are sold or improperly used, and any persons improperly withdrawing or selling, or improperly using such spirits, will be subject to all the provisions of law relating to taxable distilled spirits (including those imposing taxes) providing for forfeitures, and otherwise providing criminal or civil sanctions.

E. Involuntary liens on distilleries, etc. (sec. 4 of the bill and sec. 5173(b) of the code)

Present law.—The basic $10.50-per-gallon tax on distilled spirits is a first lien on the distillery used for producing the distilled spirits, the stills, vessels, and fixtures in the distillery, the land on which the distillery is located, and any buildings on the land. If any part of that property is encumbered by any other lien, then the distiller is required to file a penal bond in an amount equal to the appraised value of the property subject to that other lien, up to a maximum of $300,000. This filing has the effect of lifting the statutory lien.

General reasons for change.—A consequence of the present law is that if property subject to the tax lien on the distillery (described above) is encumbered by a judgment lien for any amount, even if very small in comparison with the value of the property and even if the judgment is almost certain to be satisfied entirely out of other assets of the distiller, then the distiller must file a bond for up to $300,000.

The committee, of course, is concerned that the interests of the United States in collecting the taxes due it should be properly protected. However, this penal bond provision results at times in requiring expenditures to secure a bond in an amount that is unreasonable relative to the protection needed by the Government. For example, a $100 mechanic's lien may result in payment of many times that amount in order to secure a $300,000 bond.

Accordingly, this provision specifies that in involuntary lien situations the bond required to be filed need be only as large as is needed to protect the interest of the United States.

Explanation of provisions.—If a judgment or other lien is imposed on the distillery property upon which the United States has a first lien (under sec. 5004(b)(1) of the code) for the $10.50-per-gallon distilled spirits tax, and this judgment or other lien is imposed without the consent of the distiller, then the distiller may satisfy the additional penal bonding requirement to protect the United States by filing a bond in the amount of the judgment or other lien.

This will have no effect in the case of judgments or other liens larger than $300,000. However, in the case of smaller judgments or liens it will permit the distiller to file (and to pay the cost of) a commensurately smaller bond so long as the bond is large enough to assure that the interests of the United States have not been decreased by the judgment or other lien.

F. Bottling in bond (sec. 5 of the bill and sec. 5178 of the code)

Present law.—Although most bottling of distilled spirits is done on the bottling premises after the distilled spirits have been withdrawn from bond on payment (or determination) of tax, present law permits bottling in bond under certain circumstances. The bottling of distilled spirits in bond must be done under the supervision of assigned Internal Revenue Service personnel, the spirits must be at least 100 proof if for domestic use and at least 80 proof if for export, the spirits must have been kept in bond in wooden containers at least 4 years, and the other conditions and requirements of section 5233 of the code must be met.

General reasons for change.—As indicated above, most distilled spirits are not bottled in bond. Many distillers do not have a sufficient volume of operations to economically maintain bottling facilities within the bonded premises in addition to, and separate from, the facilities on their bottling premises. To permit more economical operations, the bill authorizes the use of a distiller's regular bottling facilities to produce "bottled in bond" distilled spirits under such supervision as is necessary to ensure that the product meets the same requirements as to proof, etc., as are imposed in the case of distilled spirits bottled in the distiller's bonded premises.

Explanation of provisions.—This provision permits a product to be stamped and labeled as distilled spirits bottled on bonded premises even though a proprietor of a distilled spirits plant uses bottling facilities outside of his bonded premises, but only if the bottling occurs under the same supervision required for, and in accordance with the conditions and requirements applicable to, distilled spirits bottled in bond. The taxes on distilled spirits bottled under these provisions will continue to be determined on withdrawal from bonded premises and before bottling.

G. Effective dates (sec. 6 of the bill)

The amendments made by this bill are to take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of the bill.

The provisions dealing with losses and voluntary destruction apply to losses and voluntary destruction occurring on or after that date; those treating returned distilled spirits as though they had not been withdrawn from the bonded or bottling premises, apply to returns of distilled spirits on or after that date; those dealing with bonds required in the case of involuntary liens apply to bonds filed on or after that date without regard to the time when the judgement or other lien may have arisen.

Mr. HOLLAND subsequently said: Mr. President, some moments ago the Senate took up and passed H.R. 10517, an act to amend certain provisions of the Internal Revenue Code. Attached thereto at my urgent request was an amendment.

I find that I have a copy of the letter which I wrote on July 7 to the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG) describing the situation upon the basis of which that amendment was passed, on the basis of which he told me there would be no objection to the amendment. I ask unanimous consent that the letter be printed in the RECORD at the appropriate place.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., July 7, 1970.

Hon. RUSSELL LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR RUSSELL: I have been advised that when the Internal Revenue Laws were amended by the Act of September 22, 1968, Public Law 90-630, 82 Stat. 1328, effective February 1, 1969, Section 5232(a) I.R.C. was amended, authorizing the entry of imported distilled spirits in bulk containers into Internal Revenue bonded warehouses.

By an oversight, when the legislation was considered, distilled spirits produced in the Virgin Islands and Puerto Rico were overlooked.

It is my understanding that the Internal Revenue Service has recommended that Section 5232(a) and (b) be amended to correct this oversight. In its recommendation to Congress, I.R.S. stated:

"Existing law makes provision for distilled spirits imported in bulk but does not similarly provide with respect to distilled spirits brought in from Puerto Rico or the Virgin Islands However, existing law does provide similar treatment for cigars and cigarettes brought in from Puerto Rico or the Virgin Island as is accorded to imported cigars and cigarettes.

"There appears to be no substantial reason to provide less favored treatment to distilled spirits brought in from Puerto Rico and the Virgin Islands than is accorded to imported products. The taxes imposed under section 7652 would when collected be paid over as provided in this section."

It is my understanding that the proposed amednments to Sections 5232 (a) and (b) I.R.C. have been incorporated into HR 17971, a bill to simplify the Internal Revenue Code of 1954, introduced on June 9, 1970 by Congressman Mills. These amendments appear in Section 524 on page 140 of the bill and are as follows:

"SEC. 524. AMENDMENTS OF SECTION 5232.

"(a) The first sentence of section 5232(a) (relating to transfer of imported distilled spirits) is amended to read as follows: "Dis

tilled spirits imported or brought into the United States in bulk containers may, under such regulations as the Secretary shall prescribe, be withdrawn from customs custody and transferrd in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.'

"(b) Section 5232(b) (relating to withdrawals) is amended by writing out 'imported distilled spirits' and inserting in lieu thereof 'Distilled Spirits'."

Due to the very magnitude of HR 17971, containing 173 pages, it is doubtful that the legislation will be enacted in this Congress.

There is urgent need for the passage of the proposed amendments to Section 5232 (a) and (b) I.R.C. in order to relieve the burdensome discrimination against Puerto Rican and Virgin Islands distilled spirits. And I might add that the Bacardi Corporation which imports in bulk from Puerto Rico is planning new facilities in Jacksonville, Florida, containing some 53,000 sq. ft. at the initial cost of $4.5 million, and will employ a minimum of 50 persons and as the volume grows, more people will be employed and the plant expanded. This will add greatly to the economy of that area. However, full utilization of the plan will be dependent upon the proposed amendments to Section 5232 (a) and (b) I.R.C.

In view of the foregoing, I respectfully request that your Committee give favorable consideration to amending HR 10517, passed by the House on July 6, 1970, and dealing entirely with amendments to distilled spirits provisions of the Internal Revenue Code of 1954, to include these amendments to Section 5232 (a) and (b), as stated above, and thereby correct the oversight in the passage of Public Law 90–630, 82 Stat. 1328.

With kind regards, I remain

Your faithfully,

SPESSARD L. HOLLAND.

P.S.—I am enclosing a copy of a letter dated July 3, 1970 from Charles D. Towers, Jr., of the law firm Rogers, Towers, Bailey Jones and Gay of Jacksonville, Florida. You will find this self-explanatory.

S.L.H.

MRS. PEARL C. DAVIS

The bill (H.R. 7264) for the relief of Mrs. Pearl C. Davis was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1485), 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 provide that for the purposes of determining the entitlement of Mrs. Pearl C. Davis, of New Haven, Conn., to widow's insurance benefits under section 202(e) of the Social Security Act on the basis of the wages and self-employment income of her late husband Alver C. Davis at the time she first filed application for such benefits in 1954. There shall be paid to the said Mrs. Pearl C. Davis, in a lump sum from the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal to the total of the additional widow's insurance benefits (for the period beginning with the month of April 1955, and ending with the month preceding the first month for which she was entitled to such benefits without regard to this act) to which are payable to her by reason of the preceding sentence.

STATEMENT

The bill, H.R. 7264, would make it possible for Mrs. Pearl C. Davis, to be deemed to have established that she was the legal widow of Alver C. Davis at the time she first applied for widow's benefits in April 1954. The bill would further make it possible to pay Mrs. Davis an amount equal to the widow's benefits she would have received from the period April 1955 to November 1962. The information supplied to the committee indicates that Mrs. Pearl C. Davis is advanced in years and her understanding of matters such as this is limited so that her comprehension of the formal requirement of claims and appeals inhibited her attempts to secure widow's benefits. It appears that it was not until she received the assistance of an attorney that the relatively simple proof required in this case was submitted and her entitlement to benefits was confirmed.

The attempts by Mrs. Davis to secure widow's benefits date back to April 1954 when she reached age 65 and applied for social security widow's benefits based on the earnings record of Alvert Davis (account No. 044–12–3912). Because Mrs. Davis failed to submit proof of her marriage to Mr. Davis and to establish that she was his legal widow, her claim was disallowed and a notice of the disallowance was sent to her on June 16, 1954.

On September 23, 1954, Mrs. Davis filed a new application for widow's benefits. Since she again failed to submit proof of her marriage to Mr. Davis and to establish that she was his legal widow, her claim was disallowed. A notice of the second disallowance was sent to her on January 26, 1955.

On both of these occasions she was advised of her right to appeal the decision made in her case, but she did not avail herself of this right.

The most apparent and truthful answer seems to be that she simply did not understand the meaning of the word and had considerable difficulty even appreciating the reason for her denial. In lieu of any appeal, she persisted in making applications on a somewhat rapid-fire basis.

Efforts were made by the Social Security Administration to assist Mrs. Davis to develop proof of her marriage by checking with the Bureau of Vital Statistics in New York City and by trying to locate records at the church in which Mrs. Davis alleged she was married; the results of these contacts proved negative.

Mrs. Davis again filed an application on November 27, 1963, for widow's insurance benefits, and submitted a warranty deed dated September 20, 1938, which she had witnessed as Mrs. Pearl C. Davis. On March 17, 1964, after she had been advised that she still had not submitted proof that she was the legal widow of Mr. Davis, Mrs. Davis asked that her claims not be pressed any further, and accordingly her claim was disallowed.

Mrs. Davis and her attorney later appealed this decision, however, and submitted further evidence, which showed that Mr. and Mrs. Davis had in 1942 and 1943 filed joint tax returns. A letter from the Metropolitan Life Insurance Co. stated that Mrs. Pearl C. Davis was designated as Alver C. Davis' beneficiary and shown as his wife on an insurance policy issued prior to his death, and statements by two neighbors that the couple were always known as husband and wife were also submitted.

On the basis of the evidence submitted, it was determined that Mrs. Davis was the legal widow of Alver C. Davis and was therefore entitled to benefits based on her application of November 1963. Section 202(j)(1) of the Social Security Act provides that benefits are payable for up to 12 months preceding the month in which an application is filed if the individual could have been entitled to benefits for that period had he applied. November 1962 was therefore the first month for which Mrs. Davis was entitled to social security benefits.

Mrs. Davis and her attorney have appealed this decision and have requested that she be paid benefits from April 1955, rather than from November 1962.

The House Committee reviewed the history of this case and concluded that it is a proper subject for legislative relief. The issue in this case is not Mrs. Davis' right to benefits for it has been established that she was, in fact, a widow eligible to benefits under the Social Security Act. She was just as eligible at the date of her first application as she was when benefits began to be paid to her. These benefits were intended to aid and protect widows like Mrs. Davis. The committee is in agreement with the House Committee that this bill is meritorious and accordingly recommends favorable consideration of H.R. 7264 without amendment.

HENRY HOLLAND BUCKMAN LOCK

The bill (H.R. 956) to rename a lock of the Cross-Florida Barge Canal the Henry Holland Buckman lock was considered, ordered to a third reading, read the third time, and passed.

TOTTEN TRAIL PUMPING STATION

The bill (H.R. 3107) to officially designate the Totten Trail pumping station was considered, ordered to a third reading, read the third time, and passed.

LAKE KOOCANUSA

The bill (H.R. 7334) to designate the lake formed by the waters impounded by the Libby Dam, Mont., as Lake Koocanusa was considered, ordered to a third reading, read the third time, and passed.

COFFEEVILLE LOCK AND DAM

The bill (H.R. 8933) to provide that the lock and dam referred to as the Jackson lock and dam on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam was considered, ordered to a third reading, read the third time, and passed.

LAKE OCKLAWAHA

The bill (H.R. 12564) to rename a pool of the Cross-Florida Barge Canal "Lake Ocklawaha" was considered, ordered to a third reading, read the third time, and passed.

LITTLE GOOSE LOCK AND DAM

The bill (H.R. 13862) to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan was considered, ordered to a third reading, read the third time, and passed.

JOHN H. OVERTON LOCK AND DAM

The bill (H.R. 14683) to designate as the John H. Overton lock and dam the lock and dam authorized to be con-

structed on the Red River near Alexandria, La., was considered, ordered to a third reading, read the third time, and passed.

MICHAEL J. KIRWAN DAM AND RESERVOIR

The bill (H.R. 18858) to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir was considered, ordered to a third reading, read the third time, and passed.

BLUE LAKE

The bill (H.R. 19855) to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as Blue Lake was considered, ordered to a third reading, read the third time, and passed.

CONSENT TO THE CITY OF BOSTON, MASS., TO CONSTRUCT, MAINTAIN, AND OPERATE A CAUSEWAY AND FIXED-SPAN BRIDGE IN FORT POINT CHANNEL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1518, H.R. 17750.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 17750) to grant the consent of Congress to the City of Boston to construct, maintain, and operate a causeway and a fixed-span bridge in Fort Point Channel, Boston, Massachusetts.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

The bill was considered, ordered to a third reading, read the third time, and passed.

PROHIBITING CERTAIN USES OF LIKENESSES OF THE U.S. SEAL AND SEALS OF THE PRESIDENT AND VICE PRESIDENT

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1519.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14645) to amend title 18 of the United States Code to prohibit uses of likenesses of the Great Seal of the United States, and of the Seals of the President and Vice President.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments on page 3, after line 10, insert:

(1) by adding the following clause after the second clause thereof: "protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad;" and

(2) by striking the words "Chief, Deputy Chief, Assistant Chief" and inserting in lieu thereof "Director, Deputy Director, Assistant Directors, Assistants to the Director".

And, after line 22, insert:

SEC. 5. Section 3056 of title 18, United States Code, as amended by section 4 of this Act, shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280).

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

The amendments were agreed to.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 14645) was passed.

The title was amended, so as to read: "To amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes."

Mr. HRUSKA. Mr. President, I ask unanimous consent that S. 4583 be indefinitely postponed.

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

ORDER FOR TIME FOR PAYING TRIBUTES TO SENATOR EUGENE J. McCARTHY

Mr. KENNEDY. Mr. President, I ask unanimous consent that on Monday morning next, after the disposition of the reading of the Journal, there be a period of not to exceed 1 hour in which the distinguished Senator from Minnesota (Mr. MONDALE) will be recognized so that Senators will have an opportunity to pay tributes to the distinguished Senator from Minnesota (Mr. McCARTHY) on his retirement.

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

TRIBUTES TO RETIRING SENATORS ON TUESDAY MORNING NEXT

Mr. KENNEDY. Mr. President, it is the intention of the leadership to ask that on Tuesday morning at the convening hour of 9 o'clock that there be a similar hour set aside for tributes to be paid to other retiring Members of the Senate. The leadership at this time wants to indicate to the membership that such request will be made so that, in the consideration of the vote on the cloture motion, we would move that vote to the hour of 10 o'clock. That is for the information of the Senate.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

TRADE NEGOTIATIONS WITH JAPAN

Mr. DOLE. Mr. President, I regret that the Senator from Minnesota (Mr. MONDALE) is not present. I did want to report after talking to Mr. Peter Flanigan, counselor to the President, who is presently very active in our negotiations with Japan, that every effort is being made, as reported by the junior Senator from Michigan, to reach some voluntary agreement with reference to textiles.

Mr. President, I can report, based on a phone conversation within the past 5 minutes with Mr. Flanigan, that no agreement has been reached but that every effort is being made.

I can also say that there has been no contact with Mr. Flanigan by the Senator from Minnesota. As I indicated earlier, it is unfortunate to bring up a matter without checking with the source of the information and without checking to determine if there is any basis for the information.

I report to the Senate that Mr. Flanigan knows of no such agreement, hence no withdrawal from any agreement. And he has had no contact with the Senator from Minnesota.

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

Mr. DOLE. I yield.

Mr. GRIFFIN. Mr. President, it should be restated and reiterated that it is Mr. Flanigan who has been assigned by the President to negotiate with Japan on this matter. Certainly if there were any agreement that had been reached, it is inconceivable that Mr. Flanigan would not know about it. Is that not a fair statement?

Mr. DOLE. Mr. President, I express that feeling. That is a very valid assumption, that no agreement has been reached.

I report that to the Senate and particularly to the Senator from North Carolina and hopefully the Senator from Minnesota, who is not now present.

Mr. KENNEDY. Mr. President, was any information gained about any negotiation on shoes?

Mr. DOLE. I did not discuss shoes. The question the Senator from Minnesota had reference to was textiles.

Mr. KENNEDY. Mr. President, I was wondering, if any progress had been made in these negotiations, whether the administration was making similar efforts in terms of the shoe industry. As the Senator from Kansas realizes, it has twice the percentage in terms of volume

of exports and in excess of twice the volume in terms of dollar value.

I am exceedingly hopeful, as one who has reservations about the trade bill, that the negotiations, which I know are receiving the support of the administration, will be successful. I am certainly hopeful as well that the administration exercises similar efforts in terms of the shoe industry.

Mr. DOLE. Mr. President, let me say to the Senator from Massachusetts that I am aware of the problem. My mother-in-law in New Hampshire informs me almost every time I visit that great State. But I have no information on that.

Mr. HANSEN. Mr. President, I would like to say that I am certain that most of us who have been considering the trade bill along with the other legislation before the Finance Committee, share the concern of the distinguished Senator from Massachusetts. For what comfort it may be, let me say that I will do all I can to see that such measure of protection as can be afforded to the shoe workers and employees in the manufacture of shoes in this country will be given every consideration.

I think they deserve the protection. They should have it. I will try my best to see that it is done.

Mr. ERVIN. Mr. President, I thank my friend, the distinguished Senator from Kansas, for the information he sought and obtained on the point that was brought before the Senate by the distinguished Senator from Minnesota.

This is a matter of serious concern to which North Carolina where one out of every two persons who is employed in a manufacturing plant is employed in a textile plant.

I would also like to say to the Senator from Massachusetts that I, too, am concerned about the situation in which the shoe industry finds itself as a result of what I conceive to be very unwise trade policy.

I hope that something can be done to protect the shoe industry as well as the textile industry.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, December 19, 1970, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H.R. 6114. An act for the relief of Elmer M. Grade and for other purposes;

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 15549. An act 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;

H.R. 17809. 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;

H.R. 19401. An act to extend for 1 additional year the authorization for programs under the Vocational Rehabilitation Act;

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.

MESSAGE FROM THE HOUSE— ENROLLED BILL 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 enrolled bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library, and it was signed by the Acting President pro tempore (Mr. ALLEN).

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REMOVAL OF CERTAIN LIMITATIONS ON THE GRANTING OF RELIEF TO OWNERS OF LOST OR STOLEN BEARER SECURITIES OF THE UNITED STATES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TYDINGS, from the Committee on the Judiciary, without amendment:

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit (Rept. No. 91-1511).

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MATHIAS:

S. 4596. A bill for the relief of Francisco Remigio Franco Ching; to the Committee on the Judiciary.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1170

Mr. HART. Mr. President, I submit an amendment to H.R. 17550, the Social Security Amendments of 1970. I ask that it lie on the table and be ordered printed.

The amendment would end the American selling price system of valuation of chemicals. Passage of this amendment would permit the United States to honor the commitment it made in the 1967 Geneva protocol and would permit the United States to reap full benefit from the Kennedy round of tariff negotiations.

Under the 1967 protocol further European tariff reductions are contingent on the elimination of the American selling price system. Elimination of the American selling price system has had the support of the administration and was included in the House version of the trade bill.

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

AMENDMENT NO. 1171

Mr. HARRIS. Mr. President, for myself and Senator JAVITS and the following cosponsors, Senators, NELSON, GRIFFIN, MONDALE, RIBICOFF, BROOKE, HART, CRANSTON, MATHIAS, MCGOVERN, YARBOROUGH, BAYH, PEARSON, and KENNEDY, I submit an amendment to H.R. 17550, the Social Security Act of 1970. I ask that it be printed.

The purpose of the amendment is to strike from the bill the section prohibiting the use of Federal funds to pay, directly or indirectly, the salaries of individuals who in any way participate in action designed to challenge or nullify congressional statutes or policy under the Social Security Act. The provision would also require that such funds be repaid the U.S. Government in full in the event of their use.

This provision was adopted by the Finance Committee on December 2. I strongly opposed the amendment in committee because it would drastically curb the sphere of legal action by legal services attorneys and effectively deny the poor representation in court on matters where Federal policy or statutes are concerned.

The provision has also been strongly opposed by the former Director of the Office of Economic Opportunity, Mr. Rumsfeld, and a number of professional legal associations including the American Bar Association and the Association of American Law Schools.

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

AMENDMENT NO. 1172

Mr. HARRIS. Mr. President, I submit an amendment to H.R. 17550, the Social Security Act of 1970. I ask that this amendment be printed. I offer this amendment for myself and the distinguished junior Senator from South Dakota (Mr. MCGOVERN).

This amendment relates to the medicaid sections of the bill, and would strike sections 228 and 272(b) from H.R. 17550. Section 228 is a repeal of section 1903(e) of the Social Security Act and section 2(b) of Public Law 91-56. The repeal would relieve the States of their responsibilities to enlarge their programs and develop comprehensive medical services programs by 1977. The provision was repealed by the House of Representatives, and this action was concurred in by the Finance Committee.

Section 272(b) of H.R. 17550 would repeal section 1902(d) of the Social Security Act. This section requires that in the event of modification of a State plan to reduce or terminate care or services, such modification will not be ap-

proved unless the State maintains its level of funding on the basis of the year prior to the modification. The repeal of this section requiring State maintenance of effort was an amendment to the act made by the Finance Committee.

At a time when provision of medical services for the Nation's poor is a must, we should not relax the requirements on the States to assume their responsibilities in this critical area. More medical care is needed; not less.

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

ADDITIONAL STATEMENTS OF SENATORS

A NATIONAL COMMITMENT TO CONTROL HEART DISEASE

Mr. MOSS. Mr. President, in an effort to prevent the Nation's No. 1 killer, heart disease, the regional medical programs in the Public Health Service has funded a half-million dollar study to recommend guidelines for prevention, treatment, and rehabilitation of cardiovascular disease. A commission of 100 experts from 29 leading medical organizations was formed and named the Inter-Society Commission for Heart Disease Resources. Tuesday, the commission issued its report and I recommend that we all study this report to learn how we can help to bring about a healthier life for all Americans.

The commission has five basic recommendations for action:

First. Studies be conducted to determines whether a change in diet can prevent premature coronary heart disease.

Second. Until such a study is completed, citizens make reasonable changes to diets low in staturated fats and cholesterol because so much evidence already points to the diet's implication in large numbers of heart attacks.

Third. The food industry revise food processing to moderate fat and cholesterol content.

Fourth. That food labeling be updated so that consumers can be better informed as to the fat content of purchased foods.

Fifth. Every effort be made to eliminate cigarette smoking as a national habit.

I am proud of this Congress for having acted on the cigarette smoking problem during the past session. That effort must continue and I have faith in the Government health officials and private and voluntary agencies responsible for smoking education programs across the Nation.

Other recommendations have significant bearing on the activities of those agencies and congressional committees charged with preserving our Nation's agriculture and public health.

Our Consumer Subcommittee is particularly interested in the commission's recommendations with regard to food labeling. Early in the next session of Congress, we plan to review efforts being made by Government and industry to place appropriate information on fat content in food advertising and on food labels. We are also interested in the efforts of those who issue advice on balanced diets adequately to warn consumers of the potential hazards of diets high in saturated fats and cholesterol.

The Inter-Society Commission on Heart Disease Resources is to be commended for bringing this important information to the attention of the medical community. It is now imperative that their recommendations be studied with a view toward bringing them to the attention of the people.

I ask unanimous consent that the news release regarding the report of the Inter-Society Commission for Heart Disease Resources be printed in the RECORD as part of my remarks.

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

A NATIONAL COMMITMENT TO CONTROL HEART DISEASE URGED BY 100 EXPERTS

NEW YORK, December 15.—A major, federally-financed program to prevent coronary heart disease in the United States was recommended today by 100 medical authorities commissioned to develop guidelines for prevention of cardiovascular diseases and for treatment and rehabilitation of patients.

The proposal, by the Inter-Society Commission for Heart Disease Resources, recommended:

1. That large, government-supported studies be conducted to determine once and for all whether a change in diet can prevent premature coronary heart disease.

2. That Americans, meanwhile, make "safe and reasonable" changes to achieve a low-saturated fat, low cholesterol diet because so much evidence already points to the diet's implication in the large number of heart attacks in the U.S.A.

3. That the food industry make major revisions in food processing to moderate fat and cholesterol content.

4. That laws governing food labeling be reviewed and updated so that the consumers can be better informed as to the fat content of purchased foods.

5. That every effort be made to eliminate cigarette smoking as a national habit.

The Commission specifically recommended that "adequate resources of money and manpower be committed" to effect the change in diet, eliminate cigarette smoking and control high blood pressure, which it called the three major risk factors associated with coronary heart disease.

The recommendation came in a 43-page position paper issued by the Inter-Society Commission. This group includes representatives from 29 leading medical and nursing organizations and experts with special knowledge of cardiovascular diseases. Its report appears in the December issue of "Circulation", a monthly scientific journal of the American Heart Association.

Under a contract between the Regional Medical Programs Service and the American Heart Association, the Commission was formed in 1969 to help fulfill requirements of Section 907 of Public Law 89-239 which established the Regional Medical Programs in 1965. Dr. Irving S. Wright is Commission Chairman, and Dr. Donald T. Fredrickson is Project Director.

Today's report, entitled "The Primary Prevention of the Atherosclerotic Diseases", was prepared by two of the Commission's study groups, the Atherosclerosis Study Group and the Epidemiology Study Group. Chairmen were Dr. Jeremiah Stamler of Northwestern University, Chicago and Dr. Abraham M. Lilienfeld of Johns Hopkins University, Baltimore.

The report explained that the typical American diet is unnecessarily high in saturated fats and cholesterol and tends to raise the cholesterol level in the blood. The high blood cholesterol accelerates the deposition of fact on the inner walls of arteries (this is called atherosclerosis). Excess calories in the diet also add to risk by leading to obesity and increasing the likelihood of high blood pressure, high blood fats and diabetes. Cigarette smoking and high blood pressure also accelerate the artery damage. In a coronary artery this process can precipitate a heart attack. When it happens in the brain, a stroke may develop.

The report concluded: "Converging lines of epidemiological, clinical, and experimental evidence, both animal and human, support the judgment that the relationship between the risk factors, particularly the major risk factors—i.e.: hypercholesterolemia, cigarette smoking, hypertension—and the development of coronary heart disease is probably causal. This should not be interpreted as implying that the evidence on this matter (the cause: effect relationships of diet, high blood pressure, and cigarette smoking) is conclusive", said the report. "Nevertheless, the data strongly indicate that to a considerable degree coronary heart disease in the United States, particularly in the under 60 age group, results principally from the impact of these three widely prevalent risk factors. The research findings on risk factors strongly indicate the possibility of effective primary prevention of the atherosclerotic diseases, particularly premature coronary heart disease."

The Commission added that it recognizes differences of opinion exist with regard to the likely beneficial effect of various types of changes, particularly fat modification of the diet, on premature coronary heart disease in the United States. "The public health importance of coronary heart disease makes it mandatory" to conduct the diet trials to resolve this question finally, it said.

The report added that "the Commission further recognizes that even if planning were to start immediately, the American public would probably have to wait at least 10 years for results of these studies. At times, urgent public health decisions must be made on the basis of incomplete evidence," it said in recommending that its proposals for concurrent action on controlling or eliminating risk factors be followed.

To help the public change its eating habits, ICHD asked government and the medical profession to encourage the food industry to "make available leaner meats and processed meats, dairy products, frozen desserts, and baked goods reduced in saturated fats, cholesterol and calories, and visible fats and oils of low saturated fat and cholesterol content."

To help accomplish this task, the Commission recommends the following:

Development of strains of animals that convert higher proportions of feed to protein rather than fat.

Shift to range feeding with earlier slaughter of cattle to yield leaner animals. (In the U.S. it is a widespread practice to keep beef cattle in stalls and feed them heavily to produce meat with a high fat content.)

Modernization of outdated laws and regulations relating to the definition of food products.

Further development of high quality vegetable protein products.

Development of an intensive educational program concerning the cooking of lean meats to assure their optimal palatability and acceptability without the use of added saturated fats.

Reduction in saturated fat and cholesterol content of dairy products.

"Industry and government should review and establish policies—including pricing policies—that will encourage development of low-fat, low cholesterol milk products and use of cows producing large amounts of high protein, low fat milk, said the report.

Calling for the Food and Drug Administration to review and update its labeling of foods, the report said that "a new approach to labeling is needed to allow the consumer to identify nutrient content."

Urging the public to modify its eating habits, the Commission suggested eating more lean cuts of meat, poultry and fish and using organ meats and shellfish in moderation. Also recommended were low cholesterol, low saturated fat and fat modified dairy products, margarines and shortenings low in saturated fats and cholesterol, and grains.

The public is urged to avoid fat cuts of meat, butter, egg yolk, bacon, lard, suet and baked goods and dairy products high in saturated fats and cholesterol.

Another high priority in the battle against coronary heart disease should be given to the elimination of cigarette smoking as a national habit, according to the Commission.

"Revenues from progressive increases in taxes on tobacco should be earmarked for smoking control programs and the care of patients with diseases associated with smoking," said the report.

The Commission noted that the sales of cigarettes have declined in recent years and that this favorable trend will be accelerated. In anticipation of this development the Commission stressed that "planning by appropriate social science experts should go forward for the orderly phase out of the cigarette industry without major economic dislocation of those whose livelihood is involved."

Other recommendations of the Commission include a national effort to detect and control high blood pressure, and community programs to detect and treat persons as early as possible who are susceptible to premature atherosclerotic (hardening of the arteries) disease due to combinations of the major risk factors.

The report concluded that "with a decisive national policy commitment and corresponding allocation of resources over the next years, there is ample reason to believe that significant progress can be registered even by the Commission's first target deadline, 1975.

NO CHRISTMAS TRUCE FOR PRISONERS

Mr. AIKEN. Mr. President, at this time of the year when both sides are discussing truce periods for Christmas and New Year's it must be remembered that for some Americans in Southeast Asia there can be no truce.

For those in prison, as are hundreds of Americans being held by the North Vietnamese and Vietcong, a truce cannot exist. Theirs is a constant, a never-ending battle against boredom, against frustration, against the agonies of uncertainty, and the degradation of their position. For these Americans who are being treated with neglect and at times with brutality, each day marches as the last and there is little to look forward to on the morrow.

At this time when truce is being discussed it would be well for us to double and redouble our efforts to bring a final and happy solution to the problem of the war prisoners. This, I feel, is the very least we can do.

THE DECLINE OF HEALTH CARE IN AMERICA

Mr. MONDALE. Mr. President, last month, the chairman of the board of the International Business Machines Corp., Mr. Thomas J. Watson, Jr., gave an outstanding talk at the Mayo Clinic in Rochester, Minn., about America's health crisis. He cited the following statement made by the American Medical Association in 1949:

> The private profession of medicine is taking rapid strides toward the solution of this problem (of medical aid for the poor). Voluntary, pre-paid hospitalization and professional insurance plans now protect 56 million Americans. . . . The American people enjoy a state of good health unequaled in the world today.

Then he listed some of the indicators of the decline of America's position among the ranks of the world's most developed nations during the last 20 years. America has dropped from seventh in the world to 16th in the prevention of infant mortality; in female life expectancy from sixth to eighth; in male life expectancy from 10th to 24th.

Mr. Watson advances a number of valuable suggestions for improving the organization and delivery of health care. But he includes among them one recommendation which the Congress has been consistently supporting in the face of administration opposition. He says, "In a word, spend more money."

I am happy to hear the reports that the administration will, next year, give a higher priority to health problems. We have a number of bills pending in the Congress which, I hope, will receive serious consideration by the executive branch. I am pleased to be a cosponsor of S. 4297, to establish a national health insurance program. Mr. Watson believes that such a program is our only choice. I am sure that the Congress would welcome the administration's support for such a measure.

Mr. Watson also noted in his perceptive analysis—

> We are failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

And then he says that we must put health care "within the reach of the poor." I have introduced S. 4480, the Community Medicine Act, to help do so. It is intended to bring comprehensive, group medical practice to underserved urban and rural groups. By using the personnel and students of medical schools and teaching hospitals, the bill seeks, at the same time, to improve medical education and make it relevant to today's problems.

Mr. President, I think Mr. Watson's excellent statement about our health problems, and what we must do to meet them, is required reading. I ask unanimous consent that the statement be printed in the RECORD.

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

REMARKS OF THOMAS J. WATSON, JR.

Let me start by asking a question that this great medical center brings to mind: How would you like to live in a country which—according to the figures available in the United Nations[1]—during the past two decades has dropped from seventh in the world to sixteenth in the prevention of infant mortality;

Has dropped in female life expectancy from sixth to eighth;

Has dropped in male life expectancy from tenth to twenty-fourth;

And which has bought itself this unenviable trend by spending more of its gross national product for medical care—$1 out of every $14—than any other country on the face of the earth?

You know the country I am talking about: Our own U.S.A., the home of the free, the home of the brave, and the home of a decrepit, inefficient, high-priced system of medical care.

Just look for a moment at what some of the figures mean. They mean that in infant mortality we have been overtaken by France, the U.K., and Japan; that in male life expectancy we have been overtaken by France, Japan, West Germany and Italy.

I know experts can disagree over our precise international standing. And I realize that medical problems in the United States, Europe and Japan are not identical.

But the evidence overwhelmingly indicates that we are falling down on the job, heading in the wrong direction, and becoming as a nation a massive medical disgrace.

Now, it may seem undiplomatic to stand here under the banner of the Mayo Clinic and make an accusation like that.

I know American medicine has scored many brilliant triumphs—the magnificent record of this institution outstanding among them, including the Mayo Brothers' pioneer work in surgery; and the discovery and use of cortisone, which brought Doctors Kendall and Hench of Mayo the Nobel Prize; the work of Dr. Jonas Salk, who made one of the most significant and heartwarming discoveries in history; of Dr. Bela Schick in eliminating diphtheria; and of many others.

We have an outstanding record of individual achievement across the whole medical spectrum.

But despite all that, when I look up at the international scoreboard, I can come to only one conclusion: We are failing to fulfill adequately for all our people the first right set down in the Declaration of Independence—the right to life.

What do we have to do to restore that right to every man, every woman, every child in America?

First, as the Carnegie Commission said last month, I believe we have to beef up our arsenal: Train more doctors, more nurses, more paramedics;

Bail our medical and dental schools out of their present deep financial troubles;

Break ground for new hospitals and clinics;

In a word, spend more money.

We Americans are great on that.

Show us a shortage—of airplanes or tanks or trucks or scientists or engineers or satellites—and we'll fix it.

And I believe we can do that kind of job just fine in medicine.

Second, we must build into the system better management, better organization, more incentives to increase productivity and cut inefficiency.

I find it shocking, for example, that comprehensive pre-paid group practice, which has repeatedly delivered better care at lower costs, encounters legal roadblocks in more than half our states.

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[1] Medical statistics drawn principally from: United Nations *Statistical Yearbook, 1955*, pp. 51–5; *Demographic Yearbook, 1955*, pp. 698–707; *Demographic Yearbook, 1968*, pp. 103–11, 366–74.

I find it shocking to read of Americans living in backwoods towns and city slums without a doctor or a dentist or a clinic.

I find it shocking that as 30,000 highly trained medical corpsmen return to civilian life every year—many from the field of battle—they too often discover, if they want to enter medicine as a career, that they have just one job open to them—hospital orderly.

We cannot continue to live with facts like these. We have to overhaul the system.

But as we do so, we should begin simultaneously to do the third part of the job: put health care within reach of everyone in America.

And that means putting it within the reach of the poor.

I do not really believe, of course, that you can ever make the poor rich and the rich poor. But I do think we should have a floor for each American below which he cannot fall, and I believe this applies not only to his economic status, but also to his medical status.

For the plain fact is that under our present medical system, the poor suffer by far the most.

Moreover, if a person happens not to be white, the picture is even bleaker.

A non-white infant can expect to live six years less than a white infant.

The non-white infant mortality rate is the white rate multiplied by *two*.

The non-white maternal death rate is the white rate multiplied by *four*.

To me, all this adds up to a completely unacceptable situation, which I think is un-American, un-democratic and unfair.

How do we correct it, and extend coverage for medical bills to everyone?

Not just through tinkering with our present system of paying for health care.

Not just through trying to stretch the umbrella of private health insurance, which, despite its costliness, still doesn't come close to covering Americans today.

No, we need a far more thoroughgoing reform.

And that brings us up against that old taboo—"Socialized Medicine."

I completely believe in the American free enterprise system. But when the system clearly fails to produce a much needed good, I think we should not flinch from looking to some sort of government intervention to get the job done.

Frequently in the past, we have faced up to such a requirement with new legislation: on workmen's compensation, child labor, the reduction of the work week, unemployment insurance, and social security.

I believe we face today the same kind of moment of truth in medicine.

And I believe we have only one choice before us that will work: some very new form of national health insurance.

Twenty-one years ago, we looked at national health insurance when President Truman urged it, and we rejected it.

And in 1949 we rejected it in part because of arguments like this which appeared that year in the June issue of the magazine of the American Medical Association under the title: "Wake up, America!"

"The private profession of medicine is taking rigid strides toward the solution of this problem (of medical aid for the poor). Voluntary, pre-paid hospitalization and professional insurance plans now protect 56 million Americans . . . The American people enjoy a state of good health unequaled in the world today."

As a dyed-in-the-wool free trader, free enterpriser, and hater of bureaucracy, I accepted that argument in 1949, and I bet nearly everyone else in this room did, too.

But on the evidence—particularly the international evidence—I cannot accept it in 1970.

We need a dedicated and total effort to find a way to build a floor under each citizen of this country that assures much better quality and equality of medical services for all.

A variety of plans have been advanced to this end in the Congress, by representatives of government, labor, business and the medical profession, but none of these plans are moving very fast, and our problem is compounding.

We do not need national health insurance as a political football in 1972.

We need a new national health insurance law, and we need it now—in the next session of the Congress. Indeed, I hope the Administration will put this at the top of its priority list for 1971.

To get that legislation, the partisans of varying plans—in the Congress, the American Medical Association, the AFL–CIO—must get together and compromise their differences.

And to speed such compromise, I believe all of us as citizens—and I dare to include doctors—should start now to build a bonfire of persuasion—to speak out, to demand change, and not stop pushing for action until we get the legislation we need.

We can take pride in our system of universal public education, social security, and work laws.

The time has now arrived for us to have a system of universal public medicine in which we can also take pride.

A national program, of course, is not a panacea in itself. But as we look toward some sort of governmental approach to this problem, let us remember that the plans in Britain and the Scandinavian countries have proved very successful in keeping those countries in the front rank internationally. And certainly they have provided better medical service for all of the people than the systems they supplanted. To me, this is a tremendously compelling argument for keeping an open mind as we look for a solution.

Not long ago, on a visit to the California Institute of Technology, I read these words on a student poster: "Our age is characterized by the perfection of means and confusion of goals."

The goal before us in medicine is clear.

But we shall reach it only by doing what we have always done with our magnificent American system: fearlessly facing its faults, cutting them away, replacing them with something better, and moving on.

I think that same truth comes pounding through to us in the restless, pioneering lives of the Mayos—a truth which should guide and inspire us as we undertake the tough and crucial job which lies ahead: Bringing the fullness of American medical care to all the American people.

We must begin it now.

As the wealthiest, most powerful, best educated nation in the world—a people with a heroic history of pioneering and justice and compassion—I believe we can do no less.

POLITICS AND THE UNIVERSITY

Mr. GRIFFIN. Mr. President, Americans are deeply concerned about a crisis that has developed on college and university campuses throughout the Nation.

Recently my attention focused upon a very thoughtful statement written by Dean Francis A. Allen of the University of Michigan Law School as part of his annual report to the president of the university.

I ask that the relevant text of Dean Allen's report be printed in the RECORD.

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

THE UNIVERSITY OF MICHIGAN LAW SCHOOL: REPORT TO THE PRESIDENT OF THE UNIVERSITY FOR THE YEAR, 1969–70

President ROBBEN W. FLEMING,
Ann Arbor, Mich.

MR. PRESIDENT: This is the fourth, and presumably the last, of my annual reports to the President of The University of Michigan. As of course you are aware, I have asked to be relieved of my duties as Dean of the Law School not later than June 30, 1971. Under these circumstances it is probably inevitable that a part of what I shall say will have the sound of a valedictory statement. I hope that I may be forgiven if, in this submission, I fall into a more personal expression than might otherwise be appropriate.

One who awaits the termination of his duties as dean of a great law school finds himself thinking about the future of the school and of those needs and conditions that must be satisfied if his institution is to serve and flourish in the years ahead. The University of Michigan Law School has such needs, and responding adequately to some of them will not be easy. Virtually every necessary innovation in legal education being developed by this School requires substantial reductions in our present student-faculty ratio. This is true whether what is being contemplated are programs of clinical education, individual student research and honors work, the development of new areas of instruction and faculty research (including interdisciplinary areas), small-group teaching in the first year, or a host of other urgent matters. That these developments may be seriously obstructed by University and legislative policies which have emerged as products of the fiscal stringencies afflicting higher education in these times, is a disturbing possibility.

There are other problems. Legal education in the United States faces an intellectual crisis. This crisis is sufficiently identified by putting the question: Can legal education adapt to the needs of the present and those of the next half-century, and, at the same time, retain the intellectual rigor and intellectual integrity that have constituted its chief strength and attraction in the past? I believe this can be done, and, indeed, would argue that the former cannot be achieved without the latter. Regrettably, not all those associated with the American law schools reveal this commitment. We have had occasion to discover that there are colleagues in some other institutions who are prepared (and, in fact, eager) to sacrifice a great part of the intellectual content of law study, and to do so in the name of "innovation." No one could reasonably dispute the importance of educational innovation in this era. I am afraid, however, that among those seeking to map out the future of American legal education, there are a few in danger of disregarding the admonition of Mr. Sammler, as reported by Saul Bellow. Mr. Sammler suggests, you will recall, that a map maker should not regard the task of locating the Mississippi River as an occasion for the display of his originality.

Important as are these problems to the future of this School and of legal education generally, they are not the most important. The questions of overarching significance, and which relegate all other problems and doubts to positions of secondary concern, are those that center on the future of the American university. If the American university falters or is submerged in the crises of these times; if it loses a sense of its proper mission or is prevented from achieving it, legal education may be rendered undeserving of at-

tention by able and serious young people, and in consequence our society will be deprived of contributions important to its survival and well-being.

This organic relation of legal education to higher education has not always existed. True enough, legal studies were an important preoccupation of continental medieval universities from at least as early as the twelfth century. No comparable development occurred in the common-law system, however; and a prominent English legal historian could assert that common-law practitioners were "hermetically sealed from all communication with the outer world." As recently as the turn of the present the Dean of the Harvard Law School threatened to withdraw the services of one of his faculty members, earlier offered to assist in the founding of a new law school in the middle west, because the new school threatened to include in its curriculum such heretical unorthodoxies as criminology, administrative law, and federal jurisdiction. The success of his school, said Dean Ames, was the product of "its concentration upon the work of teaching the law pure and simple."

It has been a very long time since thoughtful persons associated with the American law schools assumed that their function consisted of teaching "pure" law, if by that is meant a view of law separated from the social and ethical context in which legal problems arise or isolated from the social and scientific disciplines cultivated by the modern university. Certainly that time has passed at the University of Michigan Law School. Recent years have brought an impressive thrust toward the association of the Law School with the intellectual life of the University. This impulse already constitutes one of the most important and valuable characteristics of the Law School; and I have no doubt that, events permitting, it will come to even richer fruition in the future. I mention these facts to underscore the involvement of the Law School in the destiny of the University. Our futures are inextricably intertwined. Moreover, our mutual involvements are not simply fiscal and administrative, but are intellectual and philosophical as well.

THE UNIVERSITIES AND POLITICAL ACTION

That the nature and course of legal education will be profoundly affected by the ways in which the crises now surrounding American higher education are resolved, is perhaps an entirely self-evident proposition. If so, the preceding brief comments may have been unnecessary. Assuming, then, that a retiring law dean possesses sufficient standing to express concern, which of the issues involving the American university should be identified and addressed?

For me the starting point is clear. I begin by noting a peculiar hiatus in discussions now going forward on university campuses. My complaint, of course, is not that there is an absence of talk. On the contrary, this is a time when fierce and raucous contentions rage on the campus and in which universities are receiving noisy and unflattering attention from persons not associated with higher education. Appropriately enough, there is much talk on the campuses about the great issues of domestic and international policy. We debate questions of student participation in university administration and we contend over faculty prerogatives. These also are important matters deserving discussion. In fact, we talk copiously about almost everything except those things that are of the most fundamental importance to university people: What is a university, and what are its vital missions in these times? What are the minimum conditions necessary to be insisted on if the university is to fulfill its mission and realize its purposes? What forms of activity and commitment must be rejected by the university because they obstruct or prevent the realization of its purposes? I find these questions rarely discussed, and even more rarely, discussed persuasively and helpfully. Whatever the reasons for this strange silence in a noisy age, the consequences are becoming increasingly clear. I breach no confidence when I say that a good deal of nonsense is being spoken on the campuses these days. Although many, and I hope most, of those comprising a university community recognize this talk for what it is, nonsense often goes unchallenged, and has often achieved a kind of validity for want of challenge. One suspects, also, that not infrequently in recent years universities under pressure have accepted inimical solutions, in large part because of the absence of a clear and workable conception of the nature and purposes of a university.

Young people express much concern today about the perversion of institutions. The general point is sound, and it applies to universities. Universities, perhaps even more frequently than some other institutions, face periodic crises in which fundamental questions must be put if futility or worse is to be avoided. The quality and intensity of these crises have differed considerably over time. Today the crisis is acute, and in large measure involves questions of the proper relation of the university to "politics" or political action. Like so much modern talk about important topics, the discussion of the university's relations to political action is marred by sloganeering. On the one hand, many students and some faculty members call stridently for the "politicizing" of the university. Like other campus slogan-words, the content of this term defies precise definition. Presumably what is being called for is a greater involvement of students, faculty, and even the institution itself in political action, controversy, and propaganda. On the other hand, an increasing demand, no more precise in meaning, is being expressed by public figures and the news media that the university confine itself to "intellectual pursuits" (including, presumably, intercollegiate athletics) and forswear "politics".

A moment's reflection reveals that what is involved in this controversy is nothing less than the problem of defining the relations of the university to the larger society. This has always been a task of great delicacy and complexity, and the difficulties are not reduced by the crises of modern society. Thus it is surely fatuous and mistaken to assume that the intellectual concerns of the modern American university can or should be separated from the problems and issues that make up contemporary politics. This is true because so much that is of profound human concern is encompassed in today's political struggles. Today "politics" encompasses issues of life and death, justice and inequity, the beautiful and the ugly, affluence and want. Unless the university is to be reduced to mere intellectual needlework, concern for various aspects of the political context will characterize almost every one of the university's departments and units. Moreover, the university is one of many institutions coexisting in a political society. As such it must engage in certain sorts of "political" activities to secure its operating resources, to assert its valid prerogatives, and to protect itself from attack and unwarranted aggression.

To say that the university is inevitably concerned with "politics" in its intellectual life and in its institutional operations is to say that the university cannot achieve its purposes separated from the society of which it is a part. It is essential, however, that there be a clear conception of what the university's principal purposes are; for these purposes ought ultimately to determine the nature of the university's relations to politics. The argument I am making is based on the proposition that a university's principal purposes are the discovery and accumulation of knowledge, and the transmission of knowledge. By knowledge I do not mean simply "facts." The discovery of knowledge encompasses the identification and analysis of values, for example, and contributions to aesthetic sensibility. The transmission of knowledge includes the communication of professional techniques. I say that these are the principal purposes of the university, not simply because this has been a traditional view of the university's functions, but because they are increasingly vital to this society and because, as yet, we have devised no other institutions capable of performing any substantial part of the university's task. Any institution as complex as a university has many goals and activities. I do not assert that a university can or should be concerned only with the discovery and transmission of knowledge; but I do contend that the university cannot properly undertake functions and commitments that obstruct the realization of its principal purposes.

If what I have said is true or substantially true, I believe it follows that a university must not be converted into a political party or action group, on the one hand, or into an agency for dispensing welfare services, on the other. This is not because political action is useless or necessarily evil, or because welfare is to be scorned. It is, rather, because these are commitments incompatible with the university; and their incompatibility resides partially in the fact that they tend to destroy that freedom which the university must possess to realize its principal purposes. It is no fortuity that some of those seeking to "politicize" the university also frankly acknowledge a purpose to destroy it. The means are appropriate to the end; and hence what is at issue is the survival of the university.

"POLITICIZING" THE UNIVERSITY

Although one is aware these days of a widespread belief that there is nothing old under the sun, there is, in fact, nothing new about efforts to "politicize" the American university. These efforts may have sources either within or outside the university. The threat of external political interference with the university is a continuing reality in American life. There are always sinister figures in the wings eager to "politicize" the campus when provided opportunities to do so; and no one who was associated with higher education during the Joseph McCarthy era is likely to discount this possibility or its dangers. Despite the threat of "external politicizing," a structure of academic freedom was erected in this country which has ordinarily proved sturdy enough to resist the worst manifestations of external political harassment. In many ways this is a remarkable achievement. Inevitably, views will be expressed on the campus that are unpopular with large and powerful segments of the community. This circumstance produces grumbling and occasional efforts at retaliation at budget time; but in most instances academic dissent has been tolerated and the freedom of the campus defended.

How can the phenomenon of academic freedom be explained? One cynical response might be that until recently the university has not been regarded as important or dangerous enough to warrant the hostile attention of powerful political forces. This scarcely squares with history, however; and, in any event, it is far from the whole truth. It comes closer to the truth to say that academic freedom gained public support because of a widespread belief that the inconveniences associated with the expression of views thought by some to be dangerous and mistaken, are outweighed by advantages de-

rived from free inquiry on the campus. It should be noted, however, that this tolerance is founded on the assumption that the inquiry protected is, in fact, free, and that the university is not simply a political faction espousing objectives and employing means repugnant to persons called upon to give financial and moral support to it. The most effective way to destroy the foundations of academic freedom is to persuade the community that it has been naive in accepting earlier assurances of the university that objective inquiry, while difficult, is possible, and that great social gains result from its pursuit. If objectivity and disinterestedness are shams and charades, and if the university is converted into an instrumentality for direct political action, on what ground can the university claim immunity from political retaliation to which all other political factions are subject? What is the intellectual and moral basis for resisting external political interference or control? One very important reason for repudiating efforts at "internal politicizing" of the university is that they hasten, and may make inevitable, the "external politicizing" of the university.

THE TYRANNY OF POLITICS

There are other considerations less frequently voiced. "Great minds need elbow room," wrote Cardinal Newman over a century ago. "And so indeed do lesser minds, and all minds." And later: "If we reason, we must submit to the conditions of reason. We cannot use it by halves." There is surely grave cause to assert that the conditions of reason are being widely disregarded on the campuses today. The problem goes beyond the fact that contentions and disorder distract, and sometimes physically prevent, thought, research, and teaching. This has occurred, and gives rise to the genuine possibility that in the years ahead much of the serious thought of the nation may be pursued in institutions other than universities. Direct interference and distraction are only part of the problem, however. A climate pervades the campuses which seriously restricts that freedom and scope for minds that Newman identified as essential.

In times like these it is not easy to write critically of political commitment. The political furor that has overtaken the campuses and our entire society reflects unsolved problems that are real and almost overwhelming. Some encompass threats to our very survival. There are few responsible members of today's society who either can or wish to insulate themselves from these issues, and few would be disposed to deny either the propriety or the urgent necessity of direct political action to cure or ameliorate our social ills. The very importance of many of the issues that are contested in modern politics, however, is a source of peril; and the peril is particularly acute for the universities. The obvious importance of politics is in danger of paralyzing our critical capacities, and there have been few periods in which it has been more vital that these capacities be kept intact and functioning.

Recognizing the necessity of political action and political participation by responsible individuals should not cause us to ignore the fact that [the practice of politics, even in behalf of liberal causes, is often illiberal and inhumane. Recent manifestations of political commitment on the campuses abundantly illustrate the point. Too often politics, both on and off the campus, seeks the capture of minds, not their liberation. Its methods are those of oversimplification, sloganeering, mindless chanting, derision, and conscious distortion. Its appeal is essentially anti-intellectual and anti-rational.] It seeks first to stimulate, then to recruit, basic human emotions—pride, envy, anger, fear, and ultimately terror. Its tendency is imperialistic in that it attempts to dominate all things human, including the aesthetic and the intellectual. Fortunately for those who retain hopes for a liberal and democratic society, the objectives of political action can be achieved and the worst extremes of political practice contained, if our understanding is clear and our will is strong. The university has a part to play in achieving this objective, but it must be a part consistent with its nature. The methods of politics are not the methods of free inquiry; and it is free inquiry for which the university stands. Efforts to impose the methods of political action on the university, therefore, threaten its fundamental character. None of the university's contributions to the political life of the nation is more important than its role as a critic of politics. Politics tends to excess; and this tendency is especially strong when, in times like these, political movements arise supported by adherents indisposed to question the virtue of their cause or the truth of their perceptions. Performance of this important critical function by the university presupposes not only that the university is free from overt coercion, but also free of binding commitments that limit the play of skeptical intelligence.

I regret to say that, in my judgment, there has been a net loss of liberty on the campuses, a constriction of the elbow-room for minds, in the years since the second world war. More courage is now required than formerly to raise certain questions publicly, or to pursue certain lines of inquiry. Prominent figures are effectively denied forums in the universities by threats of insult, disorder, or worse; and this in institutions which fought hard and costly battles to establish the principle that the university is a place where all views, however uncongenial to the larger community, must be given opportunities for free expression. Other less obvious losses of freedom are also the product of political contention and political commitment. Hamlet concluded that "conscience does make cowards of us all;" but commitment can also make men timorous. With increasing frequency in recent years persons on the campus have been deterred from speaking plainly about disturbing and important matters for fear that what they say will be put to improper political uses by persons they regard as political opponents. The result has been silence when speech was needed, a decline in truth-telling by the universities, and a loss in the quality of freedom on the campuses.

It is not my intention in these comments simply to mourn the loss of a golden age on the campus. In one of the novels of E. M. Forster a character is made to say: "You use the intellect, but you no longer care about it. That I call stupidity." Perhaps this is the malaise that constitutes the heart of the crisis confronting the American university. It is not a new illness, however: it did not suddenly reveal itself in the decade just past. While the origins of the problem could probably be traced to a much earlier time, I am inclined to agree with those who regard World War II as the source of much of our difficulty. It was in those years that the universities demonstrated their enormous utility as creators of military weapons and as contributors to industrial production. The university thus acquired prestige, not primarily as a place where intellect is cultivated and honored, but as an invaluable utilitarian instrumentality. One might find much to applaud in the denunciations of campus reformers who protest the uses to which our society has put the university during the past generation, were it not so apparent that these critics reveal the same stupidity that Forster perceived and which has been revealed by others in practice. The critics' complaint, as I understand it, is not that the university has failed to display a sufficient concern for the intellect, or that we are guilty of attempting to "use reason by halves". Rather, the position reaffirms in even stronger terms a view of the university as an instrumentality of political and economic power, and objects only that, at present, it serves as handmaiden to the wrong masters. It seems apparent that if this dangerous and perhaps fatal stupidity is to be escaped, the premise must be rejected.

I hope I do not underestimate the practical difficulties encountered in making this escape. One of these relates to identifying the distinction between political commitments of students and faculty members when acting in their personal capacities (which must at all costs be respected) and the obligations of those same persons acting as and for the university. The line is not easy to draw, and at times the distinctions may appear narrow and even metaphysical. For all who have a stake in the future of the university (and this excludes few in our society), it is of the highest importance, however, that this line be conscientiously drawn and strongly maintained.

SOMETHING TO CONSERVE

Mr. McGEE. Mr. President, it is clear that one of the wisest movements this country ever undertook was to set aside areas of unusual beauty or interest for public use. The United States of America, of course, enjoys plentiful beauty and we have done well to preserve it in our system of national parks, recreational areas, monuments, and forests, and to preserve with it the beauty of wildlife. In little more than a year we will mark the centennial of Yellowstone National Park, the first such park established anywhere in the world.

We in Wyoming, Mr. President, are particularly close to the national park system because of Yellowstone and the nearby Grand Teton National Park. We are aware that droves of visitors are entering the national parks each year, and increasing in numbers each year as well. That is why, for instance, I have proposed legislation to create in Wyoming a third national recreational area in the Bridger National Forest, in order to provide proper facilities for the ever-inceasing numbers of Americans and foreign visitors who want to enjoy the more primitive beauties of nature. Sunday, Reporter Hal Willard, writing in the Washington Post, chronicled a journey to eight national parks, six monuments, two historic sites, two memorials, and one registered landmark. I am encouraged by his observations that, not only the ranges but the visitors are, for the most part, disposed toward protection of the parks and their environment. With Mr. Willard, I would like to see more areas opened up by the provision of adequate facilities to take care of visitors. Of course, we are taking those steps today with the creation of new recreational areas, such as the one I have proposed in the Bridger National Forest. But, lest there be an impression I am in complete agreement with all the reporter's observations, let me say that I do not favor the encroachment of "civilization" into our wilderness areas, which he also suggests. The wilderness, too, is part of our heritage that must be preserved. That point aside, Mr. President, I would commend Mr. Willard's observa-

tions about our national parks system as worthwhile and ask that unanimous consent they be printed in the RECORD.

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

SOMETHING TO CONSERVES CLEAN PARKS, AND RANGERS WHO CARE

(By Hal Willard)

It took us a long time to put a mountain goat in our bag. You have to travel high and look sharp and quick to see one because they are among the rarest and most elusive wild creatures in America. They inhabit the most inaccessible areas of the country: the tops of mountains.

So perhaps you taxpayers will excuse me for tromping on your grass in my eagerness to keep my binoculars on four mountain goats cavorting atop a peak at the Continental Divide, in Logan Pass of the Rocky Mountains in Glacier National Park, Mont.

We had emerged from the visitors' center in the Pass and started across a large meadow, following asphalt walkways to the area from which we had been told we might be able to spot the goats. And there they were, grazing on greenery surrounding patches of snow.

They were far away and high and difficult to see even with binoculars. So I moved off the walkway a few feet to lean against a boulder to steady myself as I held the binoculars up.

"Sir," I heard a voice saying, "you are doing something highly detrimental to this park and the ecology of the area. You must not do that."

I wonder what some poor dolt is doing, I thought, but was reluctant to turn around and look for fear of losing the goats.

"I'm sorry, sir, but you'll have to return to the walkway." The voice was more insistent this time, and closer. I turned and discovered the speaker was a park ranger, and the dolt was me.

"What's the matter" I asked as I scurried back to the asphalt.

"Look where you were standing and where you had to walk to get there and back here," he said with considerable feeling.

I looked and what I saw was grass, acres of it in all directions, and a bare patch about a foot square in front of the boulder. I looked back at the ranger in disbelief that he could be worried about this bit of grass on a vast meadow.

"If everybody (and he swept his arm around at the dozens of people moving up and down the wide walkways) did what you have just done we soon would have no grass here at all," he said.

"Okay," I said. "I'm sorry. I won't do it again."

As the ranger moved off to look for more culprits, I said to my wife: "That guy's a nut. He's let this ecology thing go to his head."

"No," she said, "he's just protecting the park." She was right.

This story illustrates the fact that National Park rangers really care about National Parks. The parks show it. The people who use the parks get the idea almost immediately and soon are as protective as the rangers.

I say this after visiting eight national parks, six national monuments, two national historic sites, two national memorials and one registered natural landmark—all run by the Park Service—in the course of an 11,000-mile tour of the Northwest by pickup truck/camper.

We had thought trash would be a problem in the parks, what with millions of people traipsing through, but we quit worrying about it after carefully studying every inch we could see of Rocky Mountain National Park (the first National Park on our trip) for most of two days and spotting only one item, a beer can bobbing in a mountain stream.

That was the pattern for the other park areas. Well, we did see some candy wrappers and other waste paper blowing about near Old Faithful in Yellowstone National Park, but two park employees were chasing after the trash with spiked sticks.

The National Forests were much the same as to cleanliness and the attitude of rangers and tourists toward natural resources. At the ranger station in the Salmon National Forest in Idaho, just south of the border with Montana, a ranger suddenly broke off giving information to tourists and hurried outdoors to prevent three young men from carrying away armloads of large rocks gathered from the edge of the woods, for whatever purpose.

"You can't take those rocks," the ranger said. "They help prevent erosion along that bank there," and he pointed to where the forest's edge dipped down to the highway.

The universal concern of rangers about keeping the areas under their charge free of trash and in their pristine state to the extent possible is, of course, magnified by the tremendous increase in the numbers of people trooping through the parks, forests, monuments, etc.

While the people increase, the sizes of the parks stay the same, although every once in a while a new park is added to the nationwide system. The latest is North Cascades National Park in Washington state, north of Seattle near the Canadian border.

The droves of visitors have caused the National Park Service to consider closing some parks to automobile traffic and requiring tourists to either ride shuttle buses through the park, or walk or ride horseback in. As an experiment, a portion of heavily used Yosemite Valley in Yosemite National Park, California, has been closed to cars.

From my observation, there is no question that there are large numbers of people batting about in the parks, but the crowds are not excessive or depressing or oppressive—and we made our tour in July and August, at the height of what was regarded as the most crowded season in history.

The National Parks recorded 157 million visits in 1969. The estimate for fiscal 1971 is 186 million.

Ending our trip, we felt that the millions of park users should be congratulated for their neatness, their courtesy to each other and the care with which they treated the parks—and for their willingness to follow instructions of the rangers.

I would like to admit here that before I left on the trip I expected to write afterwards about the population explosion, man's destruction of nature and inhumanity to himself in the National Parks. The facts did not bear out the preconception and did not support the scare-stories I had read. Yosemite Valley, for example, certainly was jammed, but the Valley area is about six-tenths of 1 percent of the park's total area. Most of the rest of the park was like Wall Street on Sunday afternoon: deserted.

Why not open a little more of Yosemite to the public? It wouldn't have to be made as fancy as the Valley, but enough facilities could be put in to enable more people to more conveniently see one of the great scenic wonders of the world.

The same goes for the rest of the parks, specifically including Yellowstone, which is so big it took us about 2½ days just to drive around in it, stopping only briefly to examine various natural wonders. But the actual area to which the public has easy access is but a fraction of the total. Yellowstone is almost as big as Rhode Island and Delaware combined.

In addition to the National Parks, we have vast sections officially set aside as forest and wilderness areas, with limited access. Why not provide a few facilities to make parts of these areas possible to visit without the visitor having to be a latter-day Kit Carson?

Just to give you Easterners a little idea about the vastness of the open spaces out west, Montana has 147,138 square miles of territory and Prince Geoges County, Maryland, has 496 square miles. Both have about the same population: around 700,000.

And there still are quite a few areas of Prince Georges County where you can wander around for a considerable time without seeing anyone.

"Easy access" to parks and wild areas doesn't have to mean roads. The Department of Interior's publication "Park Road Standards" points out that research is being done into the possibilities of using tramways, monorails, rail conveyor systems, buses, helicopters and hydrofoils.

My only lament about our park experience was that there weren't enough rangers. They can be so helpful to the visiting public, but there are so few of them. The parks, without exception, were noticeably understaffed. By "noticeably," I mean we hardly ever saw a ranger.

Yellowstone, for example, has hundreds of dangerous geysers and other thermal marvels. Most of them are marked with signs warning people to stay on the walkways, but the signs are small and unobtrusive and there were no rangers anywhere in the vicinity of the geysers we saw.

A 9-year-old boy fell in one last summer and was scalded so badly he died a few days later.

While we and several score other persons were sitting on the benches safely out of range waiting for Old Faithful to spout off, two middle-aged women wearing high heels approached the steaming geyser, apparently intent upon peering into it. They finally turned back after many of us whistled and yelled at them that the geyser was due to blow any minute. (Old Faithful isn't precise. The periods between blows vary by several minutes.)

We watched many young and middle-aged people stop along the roads to feed the famous black bears, which are notoriously unpredictable, and get out of their cars to photograph them. We saw people walk across large open fields to take pictures of bull moose and bull elk grazing.

We didn't see anyone killed or injured and I can't figure out why.

The Park Service issued warnings through a few signs and in brochures, but there were no rangers present at any of the above incidents and I saw none patrolling the park.

Other dangers include no railings or even warning signs around the rims of precipitous canyons. You can't build a railing around a whole canyon, but one could be placed along the edges where people go to gawk, near parking lots.

Another failing at Yellowstone and Glacier, for example, was the lack of rangers to check people in and out of campgrounds. The only way to find empty sites was to drive through and look over the entire campgrounds. At Yosemite, rangers checked people in and out of sites on a master chart.

To pay for our campsite in Yellowstone, it was necessary to find the right ranger at the right time of day, and I failed in three attempts during two days. I finally gave up and left owing Uncle Sam $4.

The rangers who were on duty were magnificent, everywhere—particularly the ranger-naturalists and ranger-historians. They are genuinely dedicated to helping visitors gain as much from the park experience as possible.

But where was the ranger-money collector?

THE LEGAL SERVICES PROGRAM OF OEO

Mr. MATHIAS. Mr. President, the legal services program of OEO must continue to serve the Nation by reinforcing confidence in the administration of justice. Efforts toward weakening the program must be rejected. In this regard, I am opposed to title V, section 546, of the Finance Committee bill, H.R. 17550, which prohibits the expenditure of Federal money "to nullify, challenge, or circumvent any provision of the Social Security Act."

The effect of such language is far reaching and quite obvious: It limits the scope and impact of the OEO legal services program. It creates a sort of second-class citizenship for those who are unable to have easy access to the courts for redress of their governmental grievances while limiting this right to the privilege of the rich.

Mr. President, in a time when we are encouraging the use of peaceful and institutional means of expressing the anger and discontent of our citizens this provision would do a great disservice to that objective.

The following organizations of the legal community have voiced opposition to this provision: The American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the ABA Standing Committee on Legal and Indigent Defendants.

Just as important has been the opposition voiced by the Office of Economic Opportunity through its Director, Donald Rumsfeld. With the same vigor in which he successfully opposed the plan to permit State Governors to veto legal service programs, Donald Rumsfeld has fought this provision. I support Mr. Rumsfeld and thank him for his leadership.

On December 3, Director Rumsfeld said the following:

> Legal Services lawyers have performed a valuable service in seeking to correct inequities in the welfare system in this country by subjecting welfare laws to the scrutiny of the courts. For the first time, poor people have had access to the judicial system for the redress of grievances. For the first time, those who make and those who administer our welfare laws have been held accountable in courts of law.
>
> In challenging the residency requirement and man-in-the-house provisions, Legal Services attorneys were carrying out their responsibilities to their clients in accordance with the Economic Opportunity Act and the Canons of Ethics of the legal profession. The fact that they were successful is a testimony to their professional competence and to the flaws in the present welfare system.
>
> If enacted, the Finance Committee language would seriously restrict the ability of Legal Services attorneys to provide effective representation for their clients, limit the access of the poor to the judicial system, and set an unwise precedent by eliminating the likelihood that poor citizens could subject congressional and administrative decisions to review in the courts.
>
> I urge the Senate to reject this action.

The contribution by Mr. Rumsfeld to the legal services program is not limited to this. In the 18 months as OEO Director, he has presided over an unprecedented expansion in the size and operations of the program. Legal services was given the status of one of 11 OEO offices whose chief reports directly to the Director. The head of legal services was made an Associate Director of the Agency.

During Mr. Rumsfeld's term of office, the budget for legal services was increased by one-third; the legal services staff was doubled and the number of lawyers in the field increased to nearly 2,000. The program's caseload was doubled from 610,000 in 1969 to 1.2 million cases projected for the current fiscal year. Management improvements are reflected in the fact that the caseload has been doubled while the budget has increased by only one-third.

This record is convincing evidence that President Nixon has made a wise choice for a White House counselor in Donald Rumsfeld. He will continue to make a valuable contribution to our Nation in the discharge of his new responsibilities.

NO BLANK CHECK

Mr. GORE. Mr. President, I urge rejection of the language in the Department of Defense Appropriations Conference Report which provides a blank approval of whatever action the President might deem advisable in Southeast Asia. This language must be examined in the light of what has happened in Southeast Asia in the last 16 years and in the light of the last 6 months and the current uncertainity of future policy and action. It should be examined in the light of how it might possibly be interpreted in the future under circumstances that cannot now be predicted.

Our policy announcements and our legislative action must be credible to our own people and to the world.

The Senate bill, on the commendable initiative of the Committee on Appropriations of the Senate, stated that funds appropriated were not to be used to support Vietnamese or free world forces in actions to provide military support or assistance to Cambodia or Laos.

The conference committee, however, added a proviso reading as follows:

> Provided that nothing contained in this Section shall be construed to prohibit support of free world or local forces in actions designed "to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

This proviso has the effect of authorizing the President to take such action as he thinks necessary to aid in the release of American prisoners of war and to use American forces to invade Cambodia or Laos if he thinks that necessary to promote the withdrawal of American forces from Southeast Asia.

This is a case in which the proviso negates the stated policy to prevent American involvement militarily in Cambodia or Laos. Furthermore, it is an open ended authorization to the President to invade those countries or, for that matter, North Vietnam itself.

It is a predated grant of authority for invasion of North Vietnam. Indeed, General Manor, who was in overall command of the Son Tay effort to liberate American prisoners of war, according to an article in the Los Angeles Times of December 3, said he hoped "that it would be feasible" to land a division in North Vietnam to rescue prisoners of war. He said that from a "personal point of view—I definitely would recommend more such raids."

The effect of this provision is broader than the Tonkin Gulf Resolution. It would permit the President to do whatever he wants to do in Cambodia, Laos, Thailand, or North Vietnam, as long as he uses the guise of expediting withdrawal of American troops or freeing American prisoners of war, both of which are subject to conjecture. It will be recalled that the Cambodian incursion of last May was justified as a means of expediting the withdrawal of troops from Vietnam and of saving lives. The fact that several hundred American boys lost their lives in the operation and that Secretary of State Rogers now reports "zero progress" toward a negotiated settlement seems all too easily forgotten.

It will be recalled that in announcing the invasion of Cambodia on April 30, 1970, President Nixon said:

> We take this action not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire.

The action did expand the war into Cambodia. Indeed, that little country is in a horrible plight. Instead of "winning the just peace we all desire," almost 8 months later we have the doleful "zero progress" report of our Secretary of State.

On that evening of last April 30, President Nixon also said:

> A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

One has but to look at the record of many mistaken judgments to realize the tragic record of vagaries in policy, "purpose" and action in this mistaken war.

"We seek no wider war," former President Lyndon Johnson repeatedly said as he repeatedly escalated the war.

President Nixon was elected on a promise to end the war. We waited for him to announce or implement a program to end the war.

It was not until May 14, 1969, that the new President made a public statement about his plan to our people. Though long delayed, it was a hopeful speech.

I applauded this speech and took heart from it, not only because the President ruled out a "purely military solution on the battlefield"—which seemed to me to leave a peaceful settlement or compromise as the only viable alternative—but also because in his plans for a settlement he advanced a number of steps which I had long advocated: first, creation of an international body agreeable to both sides to supervise troop withdrawals and ceasefires; second, all parties would agree to observe the Geneva accords of 1954 regarding South Vietnam and Cambodia, and the Laos accords of 1962, third, mutual withdrawal of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam. In support of this latter point the President con-

demned, in three different places in his speech, "a one-sided withdrawal"—a fact of considerable importance which I shall take up later. And he went on to say:

> Almost without exception the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations.

He did not rule out a coalition government. It had been my view for a long while that a compromise government and neutrality status for the former French colonies was the most feasible form of settlement in consonance with the terms of the Geneva accords. In fact, the President said:

> We have no objection to reunification, if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned.

It was my view of the speech that the President had decided to use the mandate of his election, as Eisenhower had with the Korean war, to extricate the United States from Vietnam as quickly as he could. For this decision, I congratulated him and wished him the greatest good fortune in a speech on the floor of the Senate. I knew for a fact that this benign interpretation of the speech was encouraged by Dr. Henry Kissinger, National Security Affairs Assistant to President Nixon, in a number of remarks and in telephone calls he made to several Senators on the Foreign Relations Committee.

Secretary of State Rogers was sent to Saigon at the time of the speech to placate the generals there who, unless they had changed their views—and there had been no indication of this—could be expected to be against many of President Nixon's proposals; just as all along they had opposed any genuine Vietnamese peace or any South Vietnamese Government but their own. Apparently Secretary Rogers was not very successful, for President Nguyen Van Thieu immediately demanded the meeting with President Nixon which was held 3 weeks later in June at Midway Island.

Immediately before the Midway summit meeting, Thieu had been making obvious efforts to forestall any prospects of a political settlement which would not guarantee the continuation in power of his junta. He went to South Korea, to Formosa, and to the Philippines soliciting allies and loudly exhorting them not to abandon him as he sought to box President Nixon into abandoning his peace plan. Cacophonous screams of anger emanated from all these capitals against any move to "appease" the Communists. And the self-decorated and self-appointed marshals and generals in Saigon proclaimed that any election held must be "in accordance with the Constitution of South Vietnam."

One notes almost comically—if it were not fraught with tragedy—that the South Vietnamese Constitution, which was promulgated by Saigon with support from the United States, makes illegal "every activity designed to propagate or implement communism," which, coupled with an electoral law that prevents neutralists from running for office, has the effect of limiting candidates to those who do not offend the ruling junta. To call this a "democratic constitution" is simply to indulge in newspeak. Yet that was precisely President Thieu's idea of self-determination. Similarly, administration spokesmen have referred to the South Vietnamese Constitution as "an historic document insuring basic human and political rights," and have hailed Thieu's own "election" as a showcase event illustrating how the will of the people had prevailed—even though with firm U.S. support he had received only a small minority of votes cast.

As the Midway meeting approached, all the factious fury coming from Thieu and his cohorts was echoed here at home. The hawks screamed about giving in to "the Communists" and President Nixon himself made another speech on June 4 at the Air Force Academy which struck a chord quite different from that of his speech of May 14—and which, in fact, added up to a ringing defense of the military:

> It is open season on the armed forces—Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. . . . We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves . . .

At Midway, as so frequently before, an American President found himself stymied. Hemmed in by political pressures at home, by a wily "ally" abroad, and by insistent military advice from both places, President Nixon quietly shifted gears and proceeded full-speed—where? Into reverse. Without formally announcing the abandonment of his May 14 peace plan, President Nixon simply charted a different course—"phased withdrawal." The psychological sop he offered the American people was proclamation of a gradual "unilateral withdrawal"—denounced thrice in his speech of only a month before—of 25,000 American troops, with further disengagement promised for the future. This was called "Vietnamization."

"Vietnamization," resulted from a liaison between the Pentagon and Saigon in the fall of 1968. Before leaving office as Secretary of Defense, Clark Clifford had said in a report:

> We will continue to seek ways to effect a reduction of hostilities to lower the level of violence in South Vietnam, and to turn over more and more defense responsibilities to the South Vietnamese themselves.

But regardless of who first engineered this scheme, there is no doubt that it was a far cry from President Nixon's earlier "plan" to end the war with a peaceful settlement. Acknowledging that the return home of any soldier is most welcome, I warned in the Senate that a "phased withdrawal" that involved keeping U.S. military forces in South Vietnam to prop up the Saigon military regime until it could and would maintain itself in power was simply a covert formula for prolonging instead of ending the war.

Yet the administration asserted that somehow the withdrawal of U.S. troops from South Vietnam, coupled with more equipment and training for the South Vietnamese Army, would put pressure on North Vietnam to negotiate a settlement. The very contrary appears more logical. Indeed, "Vietnamization" and negotiation appear to be absolute incompatibles. "Vietnamization" relies for success upon maintaining the Thieu-Ky regime and its military establishment in power. On the other hand, a successful policy of negotiation would require the United States to persuade a coalescence of forces, factions, and factors in Vietnam into a compromise government which would require that Thieu and Ky step down from the pinnacle of power on which "Vietnamization" proposes to keep them.

U.S. public opinion responded enthusiastically to the appealing promise of "bringing the boys home" and of thwarting communism at the same time. Strangely, even the win-the-war-at-any-price advocates endorsed it. Questions as to whether it was a carefully considered strategy for peace, or a political maneuver to placate the public while continuing the war, seemed off-key. All those asking such "impudent" questions came under the lash of Vice President AGNEW, who suggested that Americans should "divide on authentic lines."

We were, tragically, traveling once again on the long-war road.

The complete about-face from President Nixon's position of May 14 was effected only by his television speech to the Nation on November 3, 1969. Here he reiterated all the discredited arguments for American involvement in Vietnam, and then, despite its rectitude, affirmed again that he was going to "get us out" of it anyway.

Some of the President's foreign policy advisers counseled against the Johnsonian hard line language of that speech. But Mr. Nixon insisted, I am reliably informed, that three American Presidents had sent American boys to their deaths in the jungles of Southeast Asia, and he could not afford to tell the Nation that these sacrifices had been in vain. He said, I am most reliably informed, that he must bring "political cohesion" to the country. If one narrowly interprets the President's decision, his language and his actions, one might conclude that domestic political considerations were an important ingredient, if not the essential one, for this desired "political cohesion." Viewed more broadly, one could conclude that President Nixon thus sought national unity, or at least majority support, for the war at the very price of continuing it.

In either case, the President had passed up his best opportunity to bring the war to a close through a negotiated settlement—and thus had rejected not only his own earlier proposals, but also the mandate of his election.

Thereafter, Ambassador Lodge resigned. The peace conference in Paris was downgraded. U.S. troop withdrawals were increased. North Vietnamese infiltration into South Vietnam increased. Tension increased.

Cambodia was invaded. President Nixon said this action "gives Vietnamization a better chance." U.S. withdrawals increased; North Vietnamese infiltra-

tion continued, bringing the largest number of North Vietnamese in South Vietnam in the history of the war.

But policy took another hopeful turn last October when President Nixon made another "negotiation" speech and selected Ambassador Bruce to go to the Paris Peace Conference.

Yet ominous threats of reescalation have been made within the last few days by both President Nixon and Secretary Laird.

One of the many unfortunate aspects of this most unfortunate war is that our policy has evolved seemingly without direction, shifting and changing with the seasons of the political climate.

It is against this background of sad, shifting policy that the language of the conference report must be considered. We must beware of the danger of a "wider" war for the purpose of "saving" lives.

Surely our sad experience with the Tonkin Gulf resolution is sufficient warning as to the inadvisability of passing a second Tonkin Gulf amendment.

A GOOD CHOICE—GOVERNOR CONNALLY

Mr. DOLE. Mr. President, we have watched the newspaper columnists and interpretive reporters—people who do not let the facts interfere with their opinions—belabor the possible political aspects of the President's decision to name Gov. John Connally, Secretary of the Treasury.

Obscured by their bedazzlement with the politics of the appointment is the fact that Governor Connally would be an asset to any administration.

Seldom, indeed, has a man come into a Cabinet with such broad experience and such outstanding qualifications.

Secretary of the Navy, three times Governor of Texas, lawyer, skilled politician, Governor Connally is familiar with the workings of government and with the attitudes and approaches of those in government.

We hear the nonsense that he does not have a banker's knowledge of the economy. But, in truth, this is nonsense.

Any man who has had to put a State budget together in these complicated times knows something about the economy. Any man who has governed a complex State such as Texas with a diversified economy that includes agriculture, livestock, oil, defense industry, shipping, among others, knows the problems of the economy.

The cures for the problems? Who knows them? I would venture to say that the policies Governor Connally helps promulgate will be as effective and worthwhile as most of those proposed by his predecessors of the last 40 years.

Mr. President, it is easy to see the political advantages that accrue to the President from this appointment.

The advantages to the Nation may be a little less visible, but I would venture to predict that during his service in President Nixon's Cabinet, Governor Connally will leave an indelible mark on the Treasury, this administration, and on the Nation.

ANALYSIS OF DIPHTHERIA OUTBREAK IN AUSTIN, TEX., 1967–69, BY JAMES B. STEWART

Mr. YARBOROUGH. Mr. President, one of the more important bills which Congress has passed this year is the Communicable Disease Act, S. 2264, which I introduced in the first session of this Congress. This is now Public Law 91–464 since it was signed into law on October 16, 1970.

While this law is most often thought of in the context of the threatened rubella epidemic in this country, it has significant implications for other communicable diseases such as the diphtheria outbreak that happened in my hometown of Austin, Tex., during 1967–69. To illustrate the need for this legislation, I ask unanimous consent that an article entitled "Analysis of the Diphtheria Outbreak in Austin, Tex., 1967–69" from the November 1970 issue of Public Health Reports, written by Dr. James C. Stewart, Jr., be printed at this point in the RECORD. Dr. Stewart is assistant director for comprehensive health planning of the Community Council of Austin and Travis County, Austin, Tex.

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

ANALYSIS OF THE DIPHTHERIA OUTBREAK IN AUSTIN, TEXAS, 1967–69

(By James C. Stewart, Jr., Ph. D.)

In recent years, outbreaks of communicable diseases in the United States have followed a clearly discernible pattern. Numerous reports (1–34) indicate that these outbreaks occur primarily among low socioeconomic groups. The recent outbreaks of diphtheria in Florida (35), Illinois (36), Washington (37), Oregon (38), and Texas (39, 40), also seemed to follow this pattern. A traditional explanation for the occurrence of communicable diseases among low socioeconomic groups is that people affected by such diseases are uninformed or apathetic toward existing preventive measures. Zalma's report on the diphtheria outbreak in Austin (41) stated ". . . there inevitably remains a pool of susceptibles—the 'hard core' families who never turn out for immunizations or who refuse to take them."

My analysis of a local outbreak of diphtheria has possible implications for the occurrences of communicable diseases in other low socioeconomic areas of the nation. The solutions to the local problem which I describe also have possible national significance.

DIPHTHERIA IN AUSTIN, 1967–69

Beginning in October 1967 and continuing through December 1969, Austin, in Travis County, had one of the largest diphtheria outbreaks in any U.S. metropolitan area during that time (table 1). Although outbreaks occurred in other Texas counties, the outbreak in Austin and other areas of Travis County lasted longer and affected more people (table 2).

TABLE 1.—DIPHTHERIA INCIDENCE IN TRAVIS COUNTY, THE STATE OF TEXAS, AND THE UNITED STATES, 1967–69
PUBLIC HEALTH REPORTS

Area	Population [1]	1967 Cases	1967 Rates	1968 Cases	1968 Rates	1969 Cases	1969 Rates
Travis County	263,981	12	4.55	64	24.24	37	14.02
Texas including Travis County	10,924,009	72	.66	131	1.20	75	.69
Texas excluding Travis County	10,660,028	60	.56	67	.63	38	.36
United States	197,859,000	214	.11	243	.12	232	.12

[1] 1967 estimates.

TABLE 2.—DIPHTHERIA INCIDENCE IN TEXAS COUNTIES WHICH REPORTED 5 OR MORE CASES TO THE TEXAS STATE DEPARTMENT OF HEALTH, 1967–69

County	Population [1]	1967 Cases	1967 Rates	1968 Cases	1968 Rates	1969 Cases	1969 Rates
Bexar	839,330	(2)		6	0.71	9	1.07
Dallas	1,201,617	5	.42	(2)		(2)	
Jefferson	254,017	(2)		(2)		11	4.33
Kleberg	29,137	17	58.35	18	61.78	(2)	
Nueces	234,081	8	3.42	14	5.98	(2)	
Travis	263,981	12	4.55	64	24.24	37	14.02

[1] 1967 estimates.
[2] Less than 5 cases reported.

As is typical in diphtheria outbreaks, the Austin victims were predominantly 15 years of age and under. Of the 101 cases reported during October 1967 to October 1969, 42 were in Negroes and 57 in whites (52 of whom were Mexican-American). The ethnic classifications for two patients were undetermined because of a lack of standard procedures for the collection and publication of such data. Although Mexican-Americans constitute only 14.4 percent of the population, according to estimates by Austin's department of planning, they had 52 percent of the cases of diphtheria during this time. Negroes constitute 11.4 percent of the population, but had 42 percent of the diphtheria cases. Anglo-Americans, 74.2 percent of the population, had only 5 percent of the diphtheria cases.

The cases occurred predominantly in the low socioeconomic areas of the city and county. From October 1967 to October 1968, 49 cases occurred in a cluster of five census tracts. Only six cases occurred outside these areas. From October 1968 to October 1969, 34 cases occurred in the same cluster of five census tracts. Again, only six cases occurred outside these areas.

Attempts have been made to alleviate the problem of diphtheria in Austin. In June 1968 the city-county health department began special diphtheria immunization clinics in addition to the five clinics routinely conducted in the lower socioeconomic areas. Clinic times were extended into the early evening. Saturday and Sunday clinics were added. During October 1968 immunizations

for diphtheria and tetanus were given at 36 public and parochial schools and community recreational centers.

Members of the Travis County Medical Society met with the Austin School Board early in 1969, and regulations were written requiring immunizations against five communicable diseases, measles (rubeola), diphtheria, tetanus, smallpox, and poliomyelitis, before admission to school in September 1969. In November and December 1969, the city-county health department personnel gave first and second diphtheria and tetanus immunizations in the 16 elementary public and three parochial schools in the east Austin area.

During September through December 1969, the Comprehensive Health Planning Commission sponsored several meetings with officials from the Travis County Medical Society, school officials, Human Opportunities Corporation (Office of Economic Opportunity), city-county health department personnel, and persons from the east Austin neighborhood to discuss the diphtheria problem and possible solutions to it. Special clinics; house-to-house neighborhood canvasses; and radio, television, and newspaper coverage of the clinic hours and the importance of getting immunized were suggested. Neighborhood groups offered to follow up those who had not completed the series, if the names could be made available. It was also suggested that an annual immunization program and monitoring system be set up in the elementary public and parochial schools in east Austin. Despite all this activity, Travis County had 37 cases of diphtheria in 1969 (42).

Austin's problem with underimmunized low-income people is not unique, as recent reports have revealed (35–40). However, the time has come to raise questions as to some possible reasons for the occurrence of communicable disease outbreaks. As I interpret existing data on communicable diseases, the following are primary parameters.

Communicable disease outbreaks are primarily a result of consumers who are uninformed or apathetic with respect to preventive measures. This alternative has been discussed in previous reports (8, 34, 43). They cite extensive bibliographies that question the validity of the traditional explanation of apathy for the general underimmunized status of low socio-economic people. Based on these studies, it seems plausible to search elsewhere for other causes of communicable diseases among low socioeconomic people.

Some vaccines are not effective in preventing certain diseases. This alternative certainly merits research. Older's study (44) and reports from the Center for Disease Control (39, 40) indicate that this parameter should be considered with regard to the fully immunized people who contract diphtheria. Future research should include investigation of the occurrence of diphtheria in young adults who had the complete series as children but are no longer protected and in those persons who had recently received their second immunization but contracted the disease before immunization protection had been established.

Communicable disease outbreaks are primarily a result of uninformed or apathetic providers of preventive measures. This alternative also merits future research. The present study represents an empirical analysis of one communicable disease outbreak that, based on experience and the literature, suggests that this alternative is a likely candidate as a primary parameter.

The causes of communicable disease outbreaks are overcrowding, poverty, and malnutrition. These conditions prevail in every metropolitan area in the United States to a degree equal to or greater than in Austin.

A combination of the foregoing. Many communicable disease outbreaks are the result of a combination of the four parameters discussed. Further analysis of the Austin data may provide a clearer insight into the complexities of the problem.

The following explanations are offered as to why Austin continues to have diphtheria. According to health department estimates in February 1970, 90,000 immunizations were given during the outbreak. The disease, however, has continued to occur in the same socioeconomic areas and among the same ethnic groups. In 1968, even with a "captive" school population, more than 10,000 immunizations produced only a 64 percent completion rate for the elementary schools in the low socioeconomic areas. After immunizations were given in these schools for 2 consecutive years, only three of the 16 elementary public schools had a completed immunization rate of 80 percent or higher. Others were as low as 36 percent. The city-county health department and the elementary schools keep separate records. They have been unable to establish procedures to record promptly the immunizations as they are received. The public health department officials seem reluctant to lend their records to the schools for the transcription of immunization data to school records because the department's policy is not to allow records to be loaned out for any reason. The health department has not been able to establish a time when this information can be made available to the schools. This problem should be resolved and greater cooperation should be encouraged between agencies to share records.

The Texas State Department of Health operates a birth certificate followup program that provides the local health department with the names and addresses of newborn babies whose parents have not completed a form indicating that the immunization series has been started. Of the 1,330 referrals received in 1969, the health department processed 288 by telephone and home visits. There is no system to determine how many of those processed actually completed an immunization series.

Perhaps the most striking deficiency of the local health department immunization program was the lack of outreach capability in the low socioeconomic areas. Previous reports (8, 18, 34, 43) indicate the importance of such a component in any effort to motivate low socioeconomic people to participate in public health programs. However, public health nurse supervisors generally have been resistant to the idea of using neighborhood people in outreach efforts, and this resistance has been evident in Austin. The public health nurses justified the refusal to release names of people who fail to complete their diptheria series to neighborhood volunteers for followup purposes in the name of confidentiality, although the city's legal department ruled it legally permissible.

Because of newspaper, radio, and television publicity, action by neighborhood center personnel, and use of a sound truck to announce that school immunization requirements would be enforced, the special immunization clinics were predictably inundated. During one October Sunday clinic in 1969, 466 people were immunized between 1 and 5 p.m. This clinic was better staffed than the other special clinics, and it had two jet-injector guns. The staff consisted of one State health department employee, one student nurse, three nurses, and two clerks. (The clinics are usually staffed with two or three nurses and two clerks and have no jet-injector guns.) Comparison of the data from the special clinics in October 1969 with the same clinics in November 1969 revealed that 179 people came into the Pan American clinic for their first DTP or DT injection on October 12, but only 3½ percent returned on November 9 for their second injection. Of the 139 people who came into the Sabine clinic on October 5 for their first DTP or DT injection, only 19 percent returned on November 2 for their second injection. Of the 108 people who came into the Meadowbrook clinic on October 12 for their first DTP injection, only 15 percent returned on November 9 for their second injection. Of the 71 persons who came to the Montopolis clinic on October 5 for their first DTP or DT injection, only 29½ percent returned for their second injection on November 2.

One interpretation of these data could be the traditional one that the people are apathetic or uninformed. This interpretation raises a question—if the people are apathetic or uninformed, why did they come out the first time? Observation of several special clinics suggested other possible explanations for the low percentage of people who returned for their second DTP or DT immunization. In the Pan American clinic on Sunday, October 12, 1969, from 1 to 5 p.m., the waiting time for immunizations was 1 to 2 hours. Although the Pan American Center is a large building, parents and children were standing in the rain because there was no one to organize the lines. The clinic in general was poorly organized. Nurses used one narrow passageway for both entrance and exit. There were too few clerks for the paperwork—two to support four professionals. In order to operate a mass clinic efficiently, the staff ratio should be at least two clerks for every professional person. There was no one who could explain the procedures in Spanish to the people standing in line. Few were told when to return or the importance of returning for the second immunization.

During rush periods some special clinics gave only DTP or DT injections and referred the people to regularly scheduled clinics for their other immunizations. Reports by the Comprehensive Health Planning Commission staff on other special clinics confirmed this pattern. The city-county health department continued to hold most of its special clinics at the central office, although its data for February and March 1969 indicated that less than 30 percent of the people who came to the central clinic were from east Austin where the diphtheria was occurring. The single evening clinic, at the same location, was open only until 6 p.m. The health department's general policy was to close the clinics promptly at the stated times regardless of how many people might be waiting. The health department began to use a small mobile unit in November 1969, with some clinics operating from 5–7 p.m., but it could only serve a small number of people. It is evident that mass immunization clinics as operated in Austin cannot be looked upon as an effective method of solving communicable disease problems. This is particularly true of communicable diseases that require (a) more than one immunization, (b) periodic boosters, and (c) immunization of preschool children of low socioeconomic levels.

CONCLUSIONS

The deficiencies described suggest why diphtheria continued to occur in Austin. It would be a simple matter to make the local city-county health department the scapegoat. This would be neither fair nor accurate. Most health departments for years have been inadequately funded for the task they have been expected to perform. Most schools also have been inadequately funded and structured in health and health-related matters.

I believe the situation that I described is not solely local but one that exists generally across the nation. There are few or no health auxiliaries to do outreach work, few clinics near the low socioeconomic population, few clinics operating in the evening hours, and often a "means" test is a barrier to persons most in need of immunization. Careful analysis of communicable disease data where the diseases are occurring seems to support this position.

Based on reported experiences throughout the country, immunization programs established in the elementary schools, comprehen-

sive in scope and operated without regard to any "means" test, have proved effective in preventing or halting communicable disease epidemics. Such a program is not subject to the weaknesses I described earlier because parents are receptive to school-sponsored activities, which reach virtually all socioeconomic groups. Since the population to be immunized will be known in advance, public or school health officials can efficiently schedule and establish locations for the immunizations. Such a program coupled with an intensive concentration on reaching preschool children should virtually eliminate many communicable diseases which continue to occur in this country.

If these conclusions are accurate, it is essential to build into curriculums and programs the importance of teaching physicians, health officers, health administrators, and nurses the following: (*a*) the need for, and utility of, health auxiliary personnel and how they may be selected, trained, and supervised, (*b*) the use of data in program activities and program planning, (*c*) the need for understanding the people to be served, and (*d*) the recognition that communicable diseases are public health problems, and, as such, obstructive "means" tests should be eliminated. People charged wtih delivering services to the poor often have a distorted concept of such persons' values, attitudes, and motivations.

Much of this could also be taught through inservice programs. If the medical schools, the public schools, the schools of public health, local medical societies, and local health departments cannot or will not address themselves to the problems I have outlined, unnecessary diphtheria, poliomyelitis, measles, and rubella will continue to result in debilitation and loss of human and economic resources.

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TRIBUTES TO SENATOR WILLIAMS OF DELAWARE

Mr. STENNIS. Mr. President, it is certainly not a happy thing for me to think of our colleague's leaving the Senate. His span here has been 1 year more than mine. We both came in the class of 1947, he in January, and I came in November 1947.

First, I want to mention my sense of gratitude and sense of indebtedness to Senator WILLIAMS for the advice and counsel he has given me on various matters, not on legislation alone, but also on other matters that affected the Senate and were of grave concern to me and to the Senate.

These were times when I would go to him rather than his coming to me. I always found that he gave all matters his most impartial consideration, impersonal evaluations, and I always received sound, far-reaching advice.

The Senate owes him the same debt of gratitude along that line that I do. He stands for the things that the Senate at its best stands for.

Mr. President, I mention also that I have seen him weather the storms of adversity. I have seen him weather the storm of criticism. I have seen him weather the storm of being misunderstood.

It was not easy for him to attain the position of influence that he has had here. But he kept on. He never varied his pace or his purpose.

I have known Senators to come to the Senate and get the wrong impression of JOHN, even after he had obtained a measure of his position of influence. More than one said to me, "I cannot understand that fellow."

I would say to them, "You stay around a while, and you will understand him and also follow him." And they did.

That is another illustration of what he has meant here beyond legislation alone.

I was told by an elder Senator when I came here that the test of a man who comes to the Senate is that he either grows or he swells.

Certainly, our friend from Delaware has grown. He has grown and he has never swollen. He has helped all of us to try to grow.

I think the thing he leaves with us that he treasures the most, and it is the thought I treasure most, is that he enjoys the wholesome respect of every Member of this body who is here now, as well as those who have gone before. That respect is a quality that will continue with him and his memory and he can have the assurance that he will always have that respect.

If I could sum up JOHN WILLIAMS as a man in one word it would be genuineness—a genuine gentleman, a genuine man, of character and honor. I salute him and thank him.

Mr. MATHIAS. Mr. President, the traditional concept of integrity in American government is summarized in President Cleveland's phrase, "A public office is a public trust." Today it is my great pleasure to join in paying tribute to a man who, during almost a quarter century in this body, has done so much of significance to advance and enforce that concept.

The distinguished senior Senator from Delaware has registered an impressive list of contributions and accomplishments. Time after time he has risen in this body to insist on fiscal responsibility, to challenge an apparently unwise use of public funds, to question procedures and programs which in his reasoned judgment were contrary to the public interest. Time after time, without extensive staff or fanfare, he has conducted persistent investigations of misfeasance or carelessness in government, and has prompted important reorganizations and reforms.

Even more important than these achievements is the concept of service which has become indelibly linked with the name and career of JOHN J. WILLIAMS. He has been often called the conscience of the Senate, but this title scarcely does justice to his intensely personal standards, his unchallenged individual integrity, and his unyielding insistence on honesty in men as well as in government. To an exceptional degree, he has assumed personal responsibility for the quality of government. He has regarded the public trust as a personal obligation, and has fulfilled that trust by his tireless efforts to insure the wisest conduct of the Nation's business.

Mr. President, Senator WILLIAMS is a statesman in the Senate and a uniquely valuable citizen in the Nation. I suspect that the people of Delaware would enthusiastically return him to the Senate again and again. I know that we would profit from his continued service here. But, typically, in his voluntary retirement, Senator WILLIAMS is following his own strict standards and implementing in his own life the principles he has urged us to enact into law.

The Nation owes JOHN WILLIAMS its thanks, gratitude, and respect. As I join in this well-deserved tribute today, it is my hope that, although he is departing from the Senate, Senator WILLIAMS will continue to give us the benefit of his insight and experience for many years.

Mr. McGEE. Mr. President, when this 91st Congress adjourns, it will mean the retirement from this body of our distinguished colleague from Delaware (Mr. WILLIAMS), who is following, even in this act of retiring, the dictates of high principle.

All of us, on both sides of the aisle, Mr. President, are going to miss the incisive, thorough contributions to the Senate's debates on the public's business, I know. Even more, I would venture to say, is the public going to miss the effective, no-nonsense approach to legislation brought to this chamber virtually every working day since January of 1947 by Senator WILLIAMS. His name has become a by-word with countless thousands of Americans who appreciate and applaud his tireless representation. And, of course, it is apparent by his record over the years how the people of the first State regard their distinguished senior Senator.

Mr. President, I wish to join my colleagues in the Senate in paying tribute to the long and distinguished service of Senator WILLIAMS, in wishing him many years of fruitful, involved retirement.

Mr. DOLE. Mr. President, I have listened intently to the comments of Republicans and Democrats praising JOHN WILLIAMS. The views of this freshman Senator are less eloquent, but very much like those expressed by the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Mr. GRIFFIN) with perhaps one significant exception. It should be emphasized that despite his 24 years in the Senate, JOHN WILLIAMS always had time to counsel junior Senators.

My predecessor, Senator Frank Carlson, advised me before I came to the Senate that the Senator to seek advice from was JOHN WILLIAMS.

Senator Carlson and the late Senator Andrew Schoeppel had great respect for Senator WILLIAMS. I knew why soon after coming to the Senate. I have learned much from the gentleman from Delaware and respect him for his courage, integrity, resourcefulness, and loyalty.

It should, of course, be noted that JOHN WILLIAMS is a proud Republican. His efforts in the Senate have strengthened our party in Delaware and across the Nation. Those on our side of the aisle therefore have additional reason to be proud of our colleague who came to, and who departs from, this body a young man.

For nearly a quarter of a century, he has rendered outstanding service. I have been privileged to serve with him for only 2 of these years, but shall always remember his many kindnesses, courtesies, and his sound advice.

Mr. HOLLAND. Mr. President, after my good friend of many years, Senator JOHN WILLIAMS of Delaware, announced last year that he would not become a candidate for reelection to a fifth term in the Senate, I unsuccessfully endeavored for months to persuade him to change his mind. His service to his State and our Nation, and indeed to the Senate itself, has been so outstanding since he came here, as I did, as one of the Senate class of 1946, that I felt and still feel that his loss will be a very great one indeed.

He has been constantly insistent upon greater economy in our Federal Government, and his efforts, frequently successful, have brought many substantial savings in our Federal expenditures. Frequently meeting with disappointment in attaining his objectives in this field, he has nevertheless persevered, year after year, and the fiscal strength of our Nation has benefited, over and over again, from his continued efforts.

His disclosure of questionable and sometimes fraudulent handling of Government money and Government trusts by public servants has resulted in stricter law enforcement and in better performance of their duties by public officials generally.

His adherence to the highest standards of official and personal ethics has reflected credit on the Senate and has set high and inspiring standards for all of the rest of us who have served as his colleagues in the Senate.

Personally he is a modest, gentle and friendly person who numbers countless friends who unite in respecting and admiring this unusual man, and in recognizing his great service to our Nation at this time of his voluntary retirement from the Senate.

My wife Mary and I want the RECORD to express our affection for him and his lovely wife, Elsie, who has also reflected great credit upon the Senate as a Senate wife during their 24 years here. We wish for both of them the fullest measure of health and happiness during what we hope may be many added years together.

FAMILY AID PROGRAM

Mr. BENNETT. Mr. President, institutions are slow to change, especially when they are cast on a scale appropriate to this very large Nation. Our very size and the vast differences in regions are part of the problem.

The leisure to deal with change and emerging needs is no longer a luxury available to the generation in charge. In an age of rising expectations, we find that the very premises of our society are being irreverently reexamined by formerly quiescent groups, which are now raising their voices and flexing their political muscles.

This country has traditionally been very conservative in its attitude toward the Government's obligations to the individual citizen. The pioneer influence is still strong, with its emphasis on self-reliance and rising through one's own efforts.

Our present welfare system has been in existence less than 40 years, and in so short a time has become the focus of so much discontent, confusion, cross purposes, and disincentives that one is hardly likely to find a spokesman in its favor in any forum across the country.

But discontented as we all are with the present welfare system, it has not been easy to evolve an acceptable program which will correct all the deficiencies of the existing mechanism, which is little more than an accretion of legislative innovations and patchwork remedies.

What the administration is offering to the Congress is essentially a clean sweep of the old structure with its built-in guarantees of failure.

I am today introducing this comprehensive amendment which provides for the establishment of the family assistance plan with State supplementary assistance plans and for the establishment of vastly improved manpower services, training, employment, and child care programs for recipients. The provisions of this amendment are basically similar to those of the family assistance plan in H.R. 16311 as passed by the House of Representatives with certain modifications and improvements that have been developed over the past several months.

The amendment contains the following major provisions:

ELIGIBILITY AND AMOUNT

Basic Federal payments to virtually all families with children where family income is at a level of less than $500 per year for the first two people plus $300 for each additional person.

The basic Federal payment would be at the rate of $1,600 a year for a family of four with no other income. For families with earnings, the first $720 of annual earnings would be disregarded and the payment would be reduced by 50 percent of any additional earnings. Payments would generally be reduced dollar for dollar for unearned income.

WORK REQUIREMENT

As a condition of receipt of payments, able-bodied adults, other than those specifically excluded from the work requirements, such as mothers with children under 6, would be required to register for training or work and to accept training or suitable work offered them. A person who did not comply with this requirement could not be paid a family assistance payment and there would be a loss to the family of the basic $500 amount otherwise payable to the first—or second—family member.

DAY CARE

The amendment would also provide a strong child-care component to enable mothers of school-age children who are required to register and other mothers who volunteer for work training or employment to participate in training and work. A mother would not be required to take training or employment if adequate child-care arrangements could not be made.

STATE SUPPLEMENTATION

In addition to the basic Federal payment, States would be required to provide supplementary payments to families other than working poor families; that is, supplementary payments would be provided for eligible families in which one parent was dead, disabled, or absent, or in which the father was unemployed. States would generally be required to supplement the basic FAP payment up to at least the present payment level in the State. The Federal Government would match 30 percent of the cost of the supplementary payments up to the poverty level as set forth in the bill.

ADMINISTRATION

The amendment provides for various administrative options with substantial thrust toward Federal administration of cash assistance and administrative separation of eligibility and payments procedures from social services plans. Specifically, any wholly federally financed program, such as assistance to the working poor, would be administered directly by the Federal Government. The States would be authorized to contract with the Department of Health, Education, and Welfare for direct Federal administration of the supplementary assistance plans, in which case the States would be relieved of their half of the administrative costs of the plans. Also, to allow flexibility to accommodate various alternatives and to avoid the possibility of administratively chaotic and complex situations, the Department of Health, Education, and Welfare would be authorized to contract with the States for State administration of the basic FAP. Also, in the event of direct Federal administration of both cash assistance programs arrangements could be made for Federal eligibility determination for other programs based on need, such as medicaid.

FISCAL RELIEF—"HOLD HARMLESS"

This amendment provides an element of fiscal relief and a measure of protection against future increases in State expenditures. Under this provision, a State would not be required to spend in future years more than 90 percent of its assistance expenditures for calendar 1971 increased by the cost of living. Any required future expenditures above this amount would be met by the Federal Government. States which would otherwise realize a greater reduction in welfare costs as a result of the welfare reform legislation would not however be given fiscal relief of more than this 10 percent.

FEDERAL STANDARDS

In addition to providing for direct Federal administration in some instances, the plan would place increased reliance on Federal standards and definitions. Uniform Federal requirements would govern eligibility for assistance including determinations of income and resources, illness, and incapacity, and so forth. This emphasis will lead to a more uniform and equitable system and to greater effectiveness and efficiency of administration.

ADULT CATEGORIES

The amendment also provides for substantial improvements in the program of aid to the aged, blind, and disabled, including Federal standards and definitions, the option for Federal administration, and, most significantly, a minimum income level of $130 per person per month for single people and $230 for married couples. This increase over the $110 figure in the House bill is equivalent in cost to the saving that accrues by not providing food stamps for adult assistance recipients—as would not be provided under the committee bill—this is what is referred to as "cashing-out" food stamps.

PROTESTS

This amendment authorizes the Secretary to conduct pretest of the welfare reform during 1971. These pretest provisions are somewhat similar to those included in the committee bill as ordered reported this week, however, they differ significantly in that the tests would be conducted more quickly with automatic subsequent implementations of the full welfare reform plan nationwide. It is expected that these pretests will be most helpful to the administration in their preparation for national implementation of the program.

While I voted for the more limited provision that the committee has included in H.R. 17550, I believe that we can and should go further and provide now for subsequent implementation.

Now I would like to comment on two issues that I think are of vital importance with regard to this legislation: First, the allegation that this is a "guaranteed income" plan and therefore bad; and second, the fact that a most basic part of this reform legislation is the strong emphasis on work and training.

First, as to the guaranteed income question, I submit that what we have in the present welfare system—the patchwork of the last 35 years—is the most unsuccessful, unpopular, inequitable, and unjust guaranteed income system that one can imagine. But, a form of guaranteed income it is. The system—if, indeed it can be called a system—is designed so that the Federal Government offers financial inducement to the States to make payments to people whom the State finds have insufficient or no income. This is a form of guarantee of some payment to some people who are thought to be needy. But it is not, in its current operation a defensible system; much less, a good one:

First, definitions of need are arbitrary—a needy female-headed family may get aid while an equally needy male-headed family may not;

Second, the system encourages family breakup and other subtle and invidious destruction of human values;

Third, there are wide State-to-State variations that produce inequitable and unjust variation in the treatment of poor people;

Fourth, there is little in the system that tends to move recipients toward self-support and a dignified, proud way of life;

Fifth, the system recently is characterized by runaway costs, resulting in fiscal chaos and an incredible fiscal dilemma for the States.

In answer to some critics, I say, that if this is guaranteed income, it is a far sight better than the guaranteed income system we have now. There is nothing new in the idea of guaranteed income; what is new is the idea that there is a better way to accomplish income mainte-

nance and that this body has before it today legislation to accomplish this end.

This brings me to the second vital point—the work requirements and work incentives under this amendment. Our present income system is lax and weak in its work provisions. The proposed plan is not. In fact, many people say that the proposed plan is not an income guarantee plan because of the very fact that registration for work training and employment is a precondition for receipt of aid for virtually all family heads—except, of course, mothers of preschool children.

Those who refuse without good cause to participate in training or employment would not receive payments under the plan.

Once registered, those persons possessing appropriate job capabilities and know-how will be directly referred to jobs. For others, there will be training opportunities; individual plans worked out so that they can qualify for jobs. Family assistance recipients referred to training will receive an extra $30 a month while in training and will be reimbursed for travel and other necessary expenses related to the training.

Individuals who are incapacitated and cannot work, will be referred for vocational rehabilitation services. Rehabilitation programs will assist many physically or mentally incapacitated persons to be restored to productive lives. Just as those who are in work training, persons receiving rehabilitation services will receive an incentive allowance of $30 a month plus out-of-pocket costs for such things as transportation and other related expenses.

As I indicated, if an adult family member who is required to register refuses, without good cause, to participate or continue to participate in training or employment, he would be denied benefits under FAP. The same is true for refusal to accept vocational rehabilitation services.

Work may not be a practical possibility for a mother if she has no reliable and satisfactory arrangements for her children while she is in training or at work. To meet this need the family assistance program provides for a large expansion of subsidized child care. Child care of high quality will not only release mothers for work but in many instances will be looked upon as added incentives to take jobs or enter into manpower training because of the added advantages afforded to the children.

That the best path out of dependency runs through work is not debatable. But the poor and the near poor, most of whom lack education or job skills for other than demeaning, low paid jobs, must have some means of receiving financial assistance while engaging in training, job upgrading services or in vocational rehabilitation. The family assistance program makes available work incentives in a new effort to cultivate the employment potential of dependent adults and financial assistance pending the time when the affected families can attain self-sufficiency.

By continuing to pay partial aid to the working poor, and removing other disincentives found in the current welfare program, the family assistance program removes the incentive to quit working and go completely on welfare. The benefit provisions of the plan have been carefully designed to insure that working is always more profitable for families than not working.

There remains, however, the very serious question of whether there will be jobs for people who could be expected to work and whether the work training programs will lead to meaningful employment. To respond to this issue and to strengthen the likelihood of job availability, this amendment provides $150 million for special work projects—at up to 80 percent Federal matching—and it is the intent of this provision to assure that the work will be meaningful, useful work, needed by the Nation and, for the participant, leading to greater independence and self sufficiency.

I am confident that, with this added guarantee, the work incentives and requirements of this legislation will prove to be a basic and strong element of the welfare reform.

A MAN TO REMEMBER—OLAUS MURIE

Mr. McGEE. Mr. President, conservationists across the land and around the world are familiar with the name of Olaus Murie, and with his widow, Margaret. Olaus Murie died in 1963 after a remarkable career as a quiet crusader for the preservation of unspoiled lands and endangered wildlife. It was a career that brought him much unsought acclaim, for he lived simply, as Mrs. Murie does yet, in the place of his choice, in Wyoming's Jackson Hole country. The December issue of Wyoming Wildlife, the outstanding publication of the Wyoming Game and Fish Commission, carries an excellent article on, "A Man To Remember—Olaus Murie." Mr. President, 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:

A MAN TO REMEMBER: OLAUS MURIE

(By Larry Roop)

Millions of people stream through Jackson Hole every summer on their way to or from Teton and Yellowstone National Parks. There are innumerable attractions for vacationers under the shadow of the towering Grand Teton peaks, most of which center around the town of Jackson. A tourist town that has somehow retained its rustic western charm, Jackson's boardwalks are seldom empty of summer sightseers or winter skiiers. Tourism is big business in these parts.

But four decades ago things were must different in the valley. Jackson was only a serene western community, concerned merely with ranching and the famous elk herd of nearly 20,000 animals that wintered each year on nearby pastures. The world outside hadn't fully discovered this picture postcard land, yet the fires of controversy were being kindled that would soon give Jackson Hole publicity everywhere.

The elk herd was in trouble. Private conservation organizations were trying to purchase winter refuge lands for the starving herds, and valley residents were irate over interference from outsiders. Everyone had their own answer to the elk problem, but no one had real facts on which to base sound management.

It was into this setting that Olaus Murie brought his wife Margaret (Mardy) and their two young children to Jackson in 1927. He had been sent by the U.S. Bureau of Biological Survey (now the Bureau of Sport Fisheries and Wildlife) to study the elk of Jackson Hole. The study was an important one and much depended on its outcome, yet Olaus looked at it as an exciting challenge.

That was the nature of this man; just living was exciting and he waded into each new challange with enthusiasm.

Olaus was born and grew up in a small town in Minnesota where he must have developed an early taste for wilderness life. Before coming to Wyoming he had gained experience in Alaska and Canada, and in later years his work always took him to wild and remote areas. But something about the Jackson Hole country made Olaus decide to call it his home. Perhaps it was the same *something* that had captured the heart of so many others who had come for a visit and decided to stay.

To Olaus the words study and research did not mean just sitting behind a desk. When the elk started moving back to the mountains in the spring, he took his wife and small children and they followed and observed the herds.

During the years of the study Olaus practically lived with the elk; he wanted to know everything about them. This meant camping in the high country under less than ideal conditions.

Few women would consider taking an eight-week-old baby into the mountains for a summer-long campout, but Mardy was no ordinary woman. She and Olaus had met and married under the arctic skys of Alaska, and she, like Olaus, was no stranger to outdoor living. When Olaus and Mardy tell of their experiences in the book *Wapiti Wilderness*, one can detect that they looked upon camping in the elk summer range as some of the best times of their lives; though they had a way of looking wistfully at all their good times together, particularly those early years in Wyoming.

Over the years many changes, both good and bad, came to Jackson Hole, and the Muries took an active part in valley affairs. Along with other Jacksonites, they suffered through the many feuds over what to do with this much sought after real estate. When the hot controversy arose over Jackson Hole National Monument (later added to Teton National Park), Olaus and Mardy were caught in the crossfire. They couldn't help but sympathize with their neighbors who felt "outsiders" and the government were invading and stealing their lands, but on the other hand, they also realized the only way this area could be safe from greedy interests would be to put it into public trust. That the park and elk refuge have been good for Jackson Hole is not disputed today, but a history of turmoil and conflict lies behind the setting aside of these lands.

When Dr. Murie published his book, *The Elk of North America*, based largely on his Jackson Hole studies, it became the Wildlife Society's outstanding ecological publication of 1951. Amazingly, this was only a small part of Olaus' contribution to the biological sciences. His published works include *Alaska-Yukon Caribou, Food Habits of the Coyote in Jackson Hole, Wyoming, A Field Guide to Animal Tracks, Fauna of the Aleutian Islands and Alaska Peninsula*, and literally hundreds of articles, reviews, and editorials for magazines and professional journals. But if he had never written a book or article, he would probably still have been renowned for his work as an artist and illustrator.

Mardy Murie, when asked how her late husband accomplished so much in only one short lifetime, said "He was always busy. He might write or paint for a couple of hours

and then go outside to chop firewood, but he was always active with something. He never had an idle moment."

Success to most professional men results in their moving to a big city, but not Olaus. When the Wilderness Society offered him a job as director, he took it only with the stipulation that he be able to remain in Jackson Hole. For several years as director and then president of the Society, he conducted business from a secluded, often snowbound log cabin near the village of Moose. Though business meetings, conventions, and legislative battles repeatedly took him to the hectic world of the megalopolis, he always relished the times of solitude and simple living at Moose.

But despite his love of the back country and the life away from the bright lights, Olaus couldn't escape fame and recognition. It was a paradox that he was a man of meekness and unselfishness, and at the same time he commanded a powerful respect from all those who met him. One person who had known him said, "He was a concerned and extremely dedicated person. Olaus never worried about selling himself, just his cause."

And his causes took him to the forefront of many battles for endangered wilderness areas and important conservation issues. Unlike most, he had respect and understanding for his opponents. When tempers were hot, it was always the calm plea of Dr. Murie for reasoning among fellow humans. Once when the Army Corps of Engineers planned to dam and alter the lakes of his beloved Jackson Hole—the Upper Snake River Basin—he asked the simple question, "Shall the dollar alone shape our future . . .?"

The enigma of Olaus Murie was best put by columnist Cal Queal of *The Denver Post*, when he wrote:

"Some men become famous by thrusting themselves upon society. Olaus Murie spent most of his 75 years far removed from civilization, but became a dominant national figure in spite of that.

"Dominant is perhaps a poor word. Olaus Murie wouldn't willingly dominate anyone or anything. A bush, a rabbit, or an elk were objects to be studied, appreciated, and left alone."

After a long illness, on October 21, 1963, Olaus passed away and a remarkable career was ended. However, the work he was so dedicated to is far from being ended. Olaus believed in the future, in the young people. To those he counseled he was an inspiration, and his works will always remain on the bookshelves of professional conservationists.

Margaret Murie, still residing at the cabin near Moose, has kept the same warm atmosphere at their home. Just as always conservationists from around the world find their way to this cabin near the base of the Tetons, and Mardy greets them with a cup of tea and some cookies. But she does not have many moments of leisure—she is active in the Wilderness Society, Wyoming Outdoor Coordinating Council, and Teton Science School.

Not surprisingly, Olaus' brother, Adolph, is a distinguished naturalist in his own right. Like his late brother, Adolph has spent much of his life working in remote wilderness areas. Because of the contributions of these two men the name Murie comes to mind among conservationists as easily as does Aldo Leopold, "Ding" Darling, and Rachel Carson.

After Olaus' death newspapers all across the country ran editorials in honor of him. They called him "The Quiet Crusader," "Mr. Wilderness," and "Kindred to Thoreau." Even more revealing as to the respect for him was the fact that Alaska, Minnesota, and Wyoming all claimed him as their own.

Olaus found enjoyment in living things and unspoiled lands everywhere, but, as most men do, he picked one place as his favorite—the Jackson Hole Country. However, he once wrote that "one has to live a dreadfully long time in Jackson Hole to be considered an 'old-timer.' I don't think we were considered old-timers even after thirty years of living there." Reporting of his death, *The Jackson Hole Guide* stated that "Teton County has lost one of its most distinguished citizens." It would have pleased Olaus to know that he had finally become an old-timer and citizen of Jackson Hole.

RED CHINA: ROGUE NATION

Mr. GOLDWATER. Mr. President, I should like to take some time today to discuss the American policy toward Red China, as it has existed in the past, as it stands today and as it is planned for the future.

Let me say that it has been some time since I have addressed myself to this question and it arises now because of a growing tendency in the Western World to feel that because some years have passed since the Communist conquest of mainland China that our policy and our attitude toward an oppressive, repressive slave state should be relaxed.

We are told, for example, that because the vote in the United Nations denying membership to Red China was closer than in previous years that the time has come for us to ease up on our policy of opposition. We are told that Red China now appears to be a permanent fixture in the world of nations and, as such, should be accorded an honorable position in the family of nations.

Recent comments on this situation by President Nixon I find both encouraging and distressing. I find it encouraging that in discussing this question with the press on December 11, Mr. Nixon told reporters that the U.N. vote would not make it expedient for the United States to review its policy toward Red China. He emphasized that our policy would be based on principle rather than expediency. But at the same time, he said his administration would continue taking an initiative of relaxing trade restrictions and travel restrictions with Red China. He explained that this was being done in an attempt to open channels of communication with Communist China, having in mind that looking far into the future we must have eventual relations with Communist China.

It is this latter part of the President's statement which disturbs those of us who remember the genesis of Communist China and how it was born in terror and nurtured in militarism and oppression. It disturbs us because it looks to us as though this administration believes that communication is the sole requirement for eventual recognition of Communist China by the United States. This can only be acceptable if communication is set up between the United States and China and becomes meaningful enough to bring about some reforms on the mainland of China in the name of human freedom. For Red China is still a "rogue nation" in the world of today. It is an outlaw by every standard of national conduct, and it should be treated as a rogue and an outlaw by the family of nations until drastic changes are made in its governmental style or the tyranny of the present Communist regime is overthrown from within.

Mr. President, this could perhaps be the very worst time of all for international champions of freedom to weaken their opposition to diplomatic recognition and admission of Communist China to the United Nations.

When I say this might be the worst possible time for weakening our attitude, I say it because the forces of freedom are growing by leaps and bounds on the mainland of China. The ferment now taking place in China is massive and significant. The Communists are trying to perpetuate the old and worst traditions of Chinese tyranny when great changes are sweeping across the face of the Orient. The forces of freedom in China, as they do in all other slave states, look to us for strength and support. The freedom fighters in China, according to the best sources available, believe that China's future depends in large part on U.S. policy. Prof. Stefan Possony, director of international studies at the Hoover Institute on War, Revolution, and Peace, Stanford University, has provided one of the most authoritative studies yet made of this situation. In a report entitled "The Chinese Communist Cauldron," Professor Possony says that many underground leaders in China believe that an active U.S. strategy is needed to rescue the mainland, but that others feel that China's political problems can and must be solved by the Chinese themselves with conscious American encouragement.

He summed up the situation existing at the present time with these words:

> There exists in China today the preconditions for the emerging of a mass movement that would fight for progressive and free government. This fact is not yet understood in the United States.
>
> The United States at this juncture should go back to the fundamental principle that it is in our best interest to cooperate with true Republican and Democratic forces, including those who, in order to introduce democracy and a modern economy, may have to carry out a revolution against totalitarianism.
>
> Whatever may happen in mainland China, U.S. policy must support those elements which want to abolish repressive institutions, irresponsible dictatorship and slave labor, and replace "Oriental despotism" by modern, workable and representative systems.

What we have then is a situation where anticommunism is growing steadily on the mainland of China and the forces of freedom are looking confidently ahead to a time when the Maoists can be overthrown and China can break its totalitarian shackles. But the job will be much more difficult, perhaps actually impossible, if the United States relaxes trade and travel restrictions and proceeds on a predetermined course aimed at recognition of the most repressive Communist regime in the world.

Those who believe they are being great humanitarians and liberals by arguing for admission of Red China to the United Nations should ask themselves if they want to take responsibility for validating and legitimatizing the slave state operated by Mao Tse Tung. For make no mistake about it, trade relations and diplomatic relations with the United States—the most powerful champion of

individual freedom the world has ever known—will greatly strengthen whatever Communist regime happens to be in control at the time when such relations are effective. Such action—even an announcement of the start on a journey down the road to official recognition by the United States—is in itself a victory for the Chinese Communist state. By the same token it cannot help but be a jolt to the forces striving for freedom of choice and action on the Communist mainland. It is difficult for me to see how we can serve principle rather than expediency when we embark on an initiative of cooperation with an outlaw nation with the object of eventual development of formal relations. And I do not care how far down the road our Government may be looking. In the court of world opinion, an announced intention of this sort is almost as good as the final action. At the very least, it weakens and waters down our stern opposition to the admission of Red China to the United Nations on the basis of principle. Expediency certainly has no validity in this situation unless we are rejecting the principle which formerly dictated our national policy against recognition of Red China and its admission to the family of nations represented by the U.N.

The passage of time does not alter principle. The mere fact that the government of Mao Tse Tung has proven that it has "staying power" is no reason why it smells any sweeter. Indeed, the length of time the Maoists have been able to hold China's hundreds of millions of people in subjection merely argues for haste in another direction.

If we are to alter our policy toward Communist China and at the same time hold to the principles which we embraced in the United Nations' Charter and which we had adopted as a national charter in the U.S. Constitution many years before that, then our course should be in the direction of tightening rather than relaxing restrictions. With the growth of anticommunism throughout China, our policy should be one of exploring every possible method of assisting the rise of freedom forces. And an active policy of assistance to the Chinese underground at least deserves consideration. I am not suggesting that we run the risk of becoming involved in a new land war on the continent of Asia, but I am saying that this is no time to be assisting the Communists in China to become more powerful.

It is all well and good to talk about opening channels of communication with Red China. If you look closely, you will find that we never closed them. We have been approachable for many years by the Red Chinese or any other nation interested in improving the lot of their own people and of learning ways and means of cooperating with nations in the West. Every tentative approach to Red China that this Government has ever made—and I want to go on record as saying that I was opposed to most of them—has received nothing but contemptuous rebuffs. The point is the Red Chinese have proven many times that they want no communications with the United States. They have also proven that they want no part of membership in the United Nations unless it is done entirely on Red China's dictated terms.

And while we are at it, let us recognize in a policy way just what Communist China represents in today's world of shifting technology and existing power balances. As Professor Possony has warned, we are confronting a totalitarian system that is planning a 100-year assault against the entire globe that may not recoil from the horror of instituting nuclear war to accomplish its goal.

Despite all the old arguments that communism is mellowing and that onetime aggressive and belligerent nations are seeking to ease international tensions, we have no solid evidence that this is the case. If anything, Communist China becomes more intransigent as its progress accelerates in the field of strategic nuclear weapons and delivery systems. At this moment in history, it is fair to say that Red China is using every means available to increase its military and economic strength. This is unquestionably its primary objective. It is in the business of catching up militarily with Russia and the United States. It undoubtedly will use every possible means to further its objective, and increased trade relations with the United States and other nations of the West fit neatly into its overall strategy.

This is a fact which should always be borne in mind by American policymakers who are inclined to get swept up in the enthusiasm generated by bleeding hearts who desperately want to believe that the world is turning to a period of sweetness and light wherein nations of differing cultures, conflicting philosophies and competing economic and territorial objectives open their arms to each other and declare the millennium.

It does no harm when considering the possible admission of Red China to go back and recall what the purposes of the United Nations are supposed to be. It might surprise some of our current "soft-on-Red China" advocates to discover that the U.N. was not based on the principle that all nations were automatically entitled to membership. Nor was there any premium placed on the longevity of a national regime as a prerequisite to affirmative consideration for U.N. membership.

Indeed, the framers of the United Nations Charter envisioned that some State would not be members. For example, chapter I, article II, paragraph 6, of the U.N. Charter states:

> The organization shall ensure that states which are not members of the United Nations act in accordance with the charter's principles so far as may be necessary for the maintenance of international peace and security.

It is always well to remember that one of the things the U.N. was supposed to do in the post-World War II world was to foster respect for the principle of equal rights and self-determination of people. Membership in the U.N. was held open to peace-loving States which accept the obligation contained in the charter.

The underlying purpose of these provisions is obviously to place an obligation upon candidates for admission. In other words the charter was so drafted that candidates for admission would be obliged to demonstrate that they were peace-loving States that accept the obligations of the charter, including the obligation to respect the equal rights and self-determination of its people.

When you apply such a purpose to the recommendation for the membership of Red China, you find that the Communist regime in Peking fails to measure up on every requirement. In addition to her support of North Vietnam and her determined effort to impose Communist tyranny on the people of South Vietnam by force, we have many other examples of how Peking actually works against almost every precept of freedom. For example, British newspapers report that instructors have been sent from Communist China to Jordan to help train the so-called popular front of Palestine guerrilla fighters. According to these reports as many as 100 Chinese experts were sent to the Middle East recently with an arsenal of automatic weapons, rocket launchers, and bazookas made on the Chinese mainland. Huge quantities of these weapons are reportedly being routed to Palestine forces from China by way of Zanzibar—the Indian Ocean island which is part of the African nation of Tanzania. Zanzibar is largely controlled by Chinese Reds and, with the Arab Republic of Yeman in Southern Arabia, is a major staging point for guerrilla training and outfitting.

In addition to this, Peking radio beams a constant barrage of propaganda toward the Middle East in support of Arab efforts to destroy Israel. It is no secret also that Arab guerrilla fighters have received special training in terror tactics in special posts in Communist Chna.

Added to all this we have the interesting spectacle of Red China hosting and supporting the discredited Cambodian Prince Sihanouk in his efforts to reimpose a special brand of tyranny on an unwilling Cambodia populace.

So I submit, Mr. President, that Red China stands today as a principal fomenter of strife and tyranny throughout the world. As such, she is a rogue nation deserving of no special consideration and certainly none that might involve the requirements outlined in the U.N. Charter.

I know that it can be argued that there already are members of the United Nations who have crudely flouted the principles of the charter. One that comes to mind immediately is the Soviet Union who, while a member of the international body, subjected Czechoslovakia, Hungary, and Poland to tyrannical treatment. Logic, of course, would decree that such states be forced to leave the U.N. or that the charter be revised to discard some of its principles. The likelihood of such action, of course, is so remote as to border on the impossible. However, that does not say that we should aggravate an already unhealthy situation in the United Nations by adding another outlaw state that violates the charter as a matter of national policy.

I believe that we have almost come to the time when we either water down the U.N. Charter or admit that our idealistic

efforts to maintain an organization for the promotion of peace and harmony in the world has failed miserably.

In conclusion, let me say that nothing can be gained but a great deal can be lost by admission of Red China to the United Nations or its diplomatic recognition by the United States. If we approve either act as a nation we will, in effect, be placing our seal of approval not only on the tyranny which Communist Peking maintains within the boundaries of China, but we will, by inference, be endorsing the policies through which Red China spreads rebellion, discontent, and subversion throughout Africa, France, the Middle East, and the Western Hemisphere in addition to Southeast Asia.

I know that it sounds impressive to argue as did one prominent newspaper recently that there is no point in keeping Peking out of the United Nations inasmuch as she controls—if not represents—a quarter of the world's population. But to accept this argument is to accept defeat in the name of freedom for the millions of Chinese people who are held in thralldom to a Communist master. Make no mistake about it, when we dignify through recognition and U.N. membership the government of Peking we accept it as member in good standing in the family of nations. With a record such as Peking has achieved, I believe the United States, at least, should stand firm in demanding that Red China earn its membership among the decent nations on this earth.

TRIBUTE TO SENATOR JORDAN OF NORTH CAROLINA

Mr. ERVIN. Mr. President, hopefully we will be able in the next few days to finish the necessary business of the 91st Congress and go home for a little while before the opening of the new term in January.

But before this session ends, I would like to pay a tribute to the man with whom I have worked closely for almost 13 years here in the Senate—my distinguished colleague and the junior Senator from North Carolina (EVERETT JORDAN) whom I have known since our boyhood days together in my hometown of Morganton, N.C.

EVERETT is that special kind of person who is able to look beyond himself toward the future and to translate dreams into legislative reality. He has always been willing to listen to new ideas and new approaches to problems, and to grow. His fine qualities and character are faithfully reflected in his attitudes and in his work.

He has not sought the national spotlight, yet he is widely recognized by his colleagues as a Senator who works quietly and purposefully on sound, progressive legislation.

I think it can be fairly said that he has done as much in a variety of practical ways to serve the interest of North Carolina as any other man representing the State in my memory.

Son of a Methodist minister, successful businessman, and textile manufacturer, active civic worker and Democratic leader, former State chairman and national committeeman of our party, he brought with him to the Senate broad knowledge and deep understanding of the people of North Carolina. When he took his place in the Senate, he concentrated his energies in those areas where he felt he could make the greatest contribution for the benefit of all North Carolinians.

North Carolina has more farmers and more farms than any State in the Union, except Texas. Accordingly, EVERETT sought membership on the Agriculture Committee, where he has worked effectively since the day he came to the Senate.

He now serves as chairman of a key agriculture subcommittee and next year will be the third-ranking Democrat behind Chairman ELLENDER on the full committee.

He also picked the Public Works Committee because it handles water resources development, flood control, navigation, water and air pollution control, Federal buildings, and highway legislation—all vitally important to our State and to every State.

In 1971, he will become chairman of the Flood Control and Rivers and Harbors Subcommittee and only the chairman and one other Democrat will outrank him on the full committee.

He has been chairman of the Senate Rules Committee since 1963, and his vigorous leadership in this influential post has enormously increased his effectiveness among his colleagues in the Senate. Concurrently he has served as chairman and vice chairman alternately of both the Joint Committee on the Library of Congress and the Joint Committee on Printing.

All these assignments have played a major part in helping him to meet the special needs of North Carolina as well as those of our Nation as a whole.

Let us look for a moment at some of the highlights of his record:

He introduced and led the fight for passage of the acreage-poundage legislation widely credited with saving the tobacco support program. He also pushed through the Senate the bill which authorized lease of tobacco acreage allotments—a move hailed by leaf growers.

He was likewise the prime mover in the battle for establishment of the one-price cotton system at a time when subsidies were threatening to wreck cotton production.

Of equal importance to those immediately concerned, as well as to the ultimate consumer, have been JORDAN bills relating to seed quality, peanut marketing, and amendments tightening the Wholesome Meat Act.

His accomplishments in the public works field are equally as impressive a tribute to his influence and powers of personal persuasion.

They also attest to his foresight and determination as well as to his refusal to admit defeat.

His efforts are, to a large degree, responsible for completion of the W. Kerr Scott Reservoir in Wilkes County; authorization and construction of the New Hope Dam for which ground was broken only a few days ago; a start on the Falls of the Neuse Reservoir project so important to the Wake County area; and authorization last week of the project to deepen the harbor of the State port at Morehead City.

It was JORDAN, too, who was the principal sponsor of the act authorizing the Cape Lookout National Seashore Park; deepening of Wilmington harbor State port; and deepening the Cape Fear River channel to improve inland navigation.

Surveys and planning for most other flood control, navigation, and beach protection projects now authorized or in progress in the State likewise bear the distinctive JORDAN stamp.

His interest in water projects has not, however, been confined by any means to public works construction nor has it been limited to his own State.

A few years ago he was a prominent figure in the fight for congressional approval of a far-reaching Federal program to bring water and sewer treatment plants within reach of thousands of rural and small town communities throughout the country.

He has helped draft and enact every measure devised by the Public Works Committee since he became a member dealing with control of air and water pollution, solid waste disposal, and environmental protection.

He was an active supporter of a bill amending the Federal Water Pollution Control Act which became law last April and most recently has helped push the National Air Quality Standards Act which qualifies as the strongest measure of its type ever proposed to Congress.

I do not need to remind you, either, of the dedication which this colleague of mine has shown for the cause of education at every level from kindergarten to graduate school but I think it must be stressed in any evaluation of his quality of service. His concept of education includes recognition of the vital importance of public libraries and his post of chairman of the Joint Committee on the Library of Congress has enabled him to lend strong support to Federal library aid programs.

He was the principal sponsor of legislation to build a new annex to the Library of Congress to be named the James Madison Memorial Library and legislation to extend to those citizens who cannot read ordinary printed materials because of physical handicaps the reading services offered by the National Books for the Blind Program, now known as the national books for the blind and physically handicapped program. Since the enactment of this legislation over 100,000 persons who did not have library service now can obtain free reading materials. During Senator JORDAN's tenure as chairman of the Joint Committee on the Library the Library's collections have grown from 41 million items to over 61 million items which makes it the largest and most outstanding in the world.

He has reported and successfully achieved passage of legislation to provide additional U.S. Government depository libraries in every State in the Union where Government publications would be more readily available at local levels to all citizens, especially those engaged in scholarly research. The Ameri-

can Library Association has commended him for this landmark legislation.

His interest in these causes and his consistent and strong support for Federal assistance in improving the quality of schooling is a reflection of a deep and warm concern for people which is the hallmark of this man.

It is that kind of concern which has also prompted him to push legislation requiring that new Federal buildings be designed to provide easier access to the aged and crippled.

It is that kind of concern for people which impelled him this year strongly to criticize the President for attempting to trim the Hill-Burton program for hospital construction and caused him to vote to override the White House veto of the bill funding its extension.

He has cared enough, too, to join fully in every move designed to secure better treatment for American prisoners in Southeast Asia, to open up communications between them and their families which are now denied, and to secure their release.

He cares for the people who feel their personal security is threatened—by the increasing violence and lawlessness, by the unwieldy extension of Federal power in local matters, and by rampaging inflation which deflates incomes.

He supported the Safe Streets Act to provide a more effective means to fight crime. Notwithstanding his strong views about the necessity for law and order, he has shown great concern that, in the zeal for passage of crime legislation, no repressive measures posing a threat to constitutional rights be enacted. For this reason he voted against the District of Columbia crime bill with its "no-knock" and preventive detention provisions.

He has consistently supported the right of all parents, regardless of their race, creed, or color, to choose the school their children shall attend, and has opposed mandatory bussing requirements by Federal authorities hundreds of miles away from local problems, needs, and people.

He has spoken out vigorously against recent Government spending patterns which for example would deny funds for health and education programs here at home and yet provide great quantities of aid to foreign countries.

As I think back on this and previous sessions, I can recall many legislative battles we have fought together—sometimes winning and sometimes losing—and I consider our relationship one of the rewards of my Senate service.

I have been impressed by his demonstrated courage and his willingness to take an unpopular position when he felt it was necessary.

Not surprisingly there have been occasions when we were on different sides of an issue, but I have never questioned the sincerity of his convictions.

I am proud to call EVERETT JORDAN my friend and my colleague. I respect him both for what he has accomplished and for what he is—a man of warmth and unfailing kindness who is young in spirit and outlook and who is able to combine practical realities with idealism in his view of Government.

I look forward to our continued service together here.

EFFORT TO ESTABLISH A BIG THICKET NATIONAL PARK TAKES A BIG STEP FORWARD

Mr. YARBOROUGH. Mr. President, during my 13⅔-year tenure in the Senate, I have fought many legislative battles. Few, if any, of my successes have given me greater personal satisfaction than the passage of my bill by the Senate to create a Big Thicket National Park in southeast Texas. The passage of this measure on December 16, 1970, with the unanimous support of my colleagues in the Senate came after over 4 years of continual effort.

I introduced the first Big Thicket National Park bill on October 20, 1966. There were occasions during my long efforts to get this legislation through the Senate when some counseled me that I was waging a hopeless fight. For instance, a recent article by Jay Dorman appearing in the December 13, 1970, edition of the Houston Post contains the following statement:

. . . hopes of any Big Thicket Bill being passed this year appear to be nothing more than a gleam in a lawmaker's eye.

Three days after the publication of this statement, my bill was considered on the floor of the Senate and was passed without opposition.

Although we still must await favorable House action before the Big Thicket National Park can be established, I am elated that we now stand on the threshold of converting that "gleam in a lawmaker's eye" into a reality.

Mr. President, I ask unanimous consent that the article by Jay Dorman, entitled "The Big Thicket's Going" which appeared in the December 13, 1970 edition of the Houston Post, be printed in its entirety at this point in the RECORD.

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

THE BIG THICKET'S GOING

(By Jay Dorman)

Darkness doesn't fall in the Big Thicket; it rises.

In the 1,000-year-old East Texas forest, darkness comes up from the murky lakes and creeks and spills into the palmetto bottoms, filling the forest floor.

It pushes the slanting sun rays higher and higher up the cathedral pines and finally beyond the western horizon.

With darkness comes the night sounds. The shrill chirping of crickets blends with a thousand other insect calls. The tumult is accented by the hoots of the great horned owl, the thunderous croaks of bull frogs and the high pitched warning of the screech owl.

Morning sun pushes the darkness back down the spires into the pools, and man-made sounds replace those of nature. The sharp, racking buzz of power saws, the clank of logging chains and the sounds of trucks, trains and cars send the white tail deer, wolf, fox and small game deeper into the rapidly diminishing forest.

In the 1870s there were more than three million acres in the Big Thicket, stretching from Bryan in the west to the Sabine River in the east. Its northern edge reached Rusk and it extended to an area somewhere south of Beaumont.

Today its boundaries are indefinite but fall somewhere east of U.S. Highway 59 and west of U.S. Highway 96. Its northern border has dropped south of Lufkin and it does not quite reach Beaumont in the south.

Its area today comprises something less than 400,000 acres and is being carved away at a rate of 50 acres daily.

Where did the Big Thicket go? Demands for more and more lumber for construction has caused the timber industry to make vast inroads into the lumber supply in the Big Thicket.

Loggers were joined by the petroleum industry, land developers and farmers. Virgin forests were cut over. Clearings were carved out of the forest for oil well sites, towns, farms and highways. Salt water from the wells was pumped onto the forest floor, killing all nearby forms of plant life.

Today's conservationists, naturalists and ecology-minded citizens look on those past deeds as wholesale rape of a virgin forest. However, at the time it was a means to an end. It was booming industry, free enterprise and a source of unheard of income levels that caused standards of living to soar.

More than a few East Texas citizens owe their present lifestyle to the enhanced wages and bolstered economy brought about by the industries that evolved out of the Big Thicket.

The impetus today, however, is to preserve what is left of the Big Thicket. Public opinion seems to be one the side of preservation; conservation organizations support the cause, and politicians have carried it to the nation's capitol.

The goal is to create a national park in the Big Thicket. Four bills are pending today in Congress to establish parks ranging in size from 35,000 acres to near 200,000 acres.

Sen. Ralph Yarborough, D-Texas, has had a bill pending since 1966 calling for the U.S. Department of Interior to create a park of 100,000 acres. Yarborough's bill has come nearer being considered by one of the national houses than any other, but hopes of any Big Thicket bill being passed this year appear to be nothing more than a gleam in a lawmaker's eye.

Those few who have worked many years to see a park created now harbor doubts. "Frankly, I don't think it'll pass, and I don't think there'll ever be a park," said Harold Nicholas, a resident of Saratoga in Hardin County.

Nicholas serves on the 19-member board of directors of the Big Thicket Association, based in Saratoga. It was formed eight years ago by a handful of local citizens to fight to preserve the Thicket.

The association was joined in its battle by national conservation societies and at one time numbered 1,000 dues-paying members. Today that number has dwindled to about 500 members.

In most cases if a Big Thicket is asked how he feels about the federal government establishing a national park, he replies with a question. "Do you really think they'll get it," he asks, as if the questioner might be able to give them some inside information. Most seem to be watching the struggle for a park with the curiosity of interested third parties.

"Well I don't think anybody will ever come out here to look at the Thicket," said one long-time resident of the Big Thicket. His eyes twinkled in merriment at the thought of someone being interested in a bunch of trees.

His doubting that there is much interest in the Big Thicket is typical of many residents who have lived among the pines for so many years that the forest seems very ordinary.

W. L. Brackin, 61, who runs the combination grocery and post office in the town of Thicket (his sister is postmaster), has lived in Thicket all his life. "I just don't much believe they will get it," he said and

looked out the window of the grocery at the darkness edging out of the nearby forest.

Bracklin's father was postmaster in the present Thicket community from 1921 to 1951. "He used to deliver mail on horseback all over this area," Brackin said.

Old Thicket was located about three miles north of the present town. "The old sawmill there must have died out about 1915, and in 1921 they moved the post office here," he said.

Doubt clouded his features at the mention of 100,000 acres. "I really think they would be better off to take smaller tracts. The mosquitoes are so bad you can't walk around for very long out there," Brackin said. "But if it's thicket they want," he said with a grin "then this is the thickest I know of."

Mrs. Dolly Hoffman, second vice president of the Big Thicket Association and a close friend of the late Lance (Mr. Big Thicket) Rosier, doubts the adequacy of 100,000 acres to preserve all the ecological treasures that exist in the thicket.

"However, we're just wanting what we can get now," she said.

The association wants to preserve the variety of species of trees and shrubs found in the Thicket, particularly areas they consider to be still undisturbed by the intrusion of industry and urbanization.

Nicholas pointed out 548 acres of virgin timber that the association has been trying to save from the saw blade. Loggers were felling giant pines on all sides of the tract.

The Big Thicket Association had originally set its goal at 35,000 acres beginning at the Alabama-Coushatta Indian Reservation in Polk County and extending in a narrow strip south through Segno, Holly Grove, Fuqua to Batson where it spread out to cover what is called the wilderness area between Hull and Hardin and Saratoga and Sour Lake.

Rep. John Dowdy, D-Texas, co-sponsored a House bill to create a "string of pearls" consisting of about 35,000 acres scattered over the present Big Thicket.

"I know of two of those pearls that are already gone," said Nicholas.

At the reservation the Indians have made good use of their giant cathedral pines as a tourist attraction. Some of the trees are more than a century old.

South of Moss Hill in the Trinity River bottom, the "world's largest Cypress tree" towers over the edge of a rural subdivision. Nearby is a Holly tree also claimed to be the world's largest.

Between Batson and Saratoga on Pine Island Bayou are giant palmetto, their massive fan-like foliage could quickly engulf a man on horseback.

The bulk of the desired park land would fall in Hardin County and County Judge Emmett Lack, a former state representative, is enthusiastically in favor of a national park.

"Having a park in here will enhance the economics of the county and we sorely need it," he said. "It would be the greatest thing that could happen."

Lack said the tourist dollar attracted to his area would more than offset any tax loss the county might suffer from creation of the park. He said the proposed land's average value for taxes is $80 an acre, and the timber companies are assessed on only 25 per cent of that.

In Polk County where timber is still king, a Livingston businessman was not as enthusiastic. "You're going to see some major cutbacks in the timber industry in the next two years," he said and bemoaned the thought of 100,000 acres of prime timber land being cut out of production potential.

He, too, agreed that portions of the Big Thicket should be saved "but I don't think they need that much."

STATE OF MICHIGAN OPPOSES RESTRICTIVE TRADE LEGISLATION

Mr. HART. Mr. President, few States in the Nation have a greater stake in industrial and agricultural trade than Michigan. While we have selected plants that have run into problems connected at least in part with imports, the prevailing sentiment in the Senate is against artificial barriers to international trade.

In this connection, I ask unanimous consent to insert in the RECORD at this point Senate Concurrent Resolution No. 22, adopted by the Michigan Legislature in November 1967, memorializing the Congress regarding the imposition of import quotas. I believe it is pertinent to our present discussion.

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

MICHIGAN LEGISLATURE, SENATE CONCURRENT RESOLUTION No. 22

A concurrent resolution memorializing the Congress of the United States regarding the imposition of import quotas on major commodity areas

Whereas, The State of Michigan is vitally concerned with a healthy growth in its exports which already total $2.5 billion annually including $150 million of Michigan agricultural products; and

Whereas, The United States has pursued a 30-year foreign trade policy leading to freer interchange of goods between nations and a rising standard of living for all and has led the Free World in substantial tariff reductions at GATT and desires to preserve the gains made in that historic series of negotiations; and

Whereas, The country today is faced with: (a) the grave threat that congressional legislation backed by special-interest protectionist forces could reverse our favorable and growing foreign trade balance—a United States foreign policy disaster, and (b) moves now afoot to restrict imports—in most cases by quotas—which would embroil the United States in a costly trade war, and (c) with the imposition of import quotas on major commodity areas such as steel, lead, zinc, textiles, chemicals, petroleum and meat which would inevitably and positively lead to reciprocal action by foreign countries creating barriers against the United States and Michigan exports; and

Whereas, The imposition of quotas would result in higher prices for millions of United States and Michigan consumers and thereby contribute to inflationary pressures and such import quotas would endanger billions of dollars of United States exports worsening our balance of payments position and inevitably increase government controls over industry and threaten individual enterprise; and

Whereas, Other positive actions can be taken by the Congress to assist American and Michigan industries unfairly injured by foreign imports; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress be urged to defeat any legislation imposing import quotas and restricting world trade; that the Congress liberalize the adjustment assistance provisions of Title III of the Trade Expansion Act by making it easier for the Tariff Commission to find injury for this purpose and by providing more liberal loans, tax benefits and retraining programs for workers in the firms or sectors of industry seriously injured by imports; and that the Congress support all efforts to remove some of the nontariff barriers at home and abroad seriously impairing world trade; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives and to each member of the Michigan delegation to the Congress of the United States.

ALABAMA'S TRAVEL ATTRACTIONS

Mr. ALLEN. Mr. President, one of the unique features of my home State of Alabama is its blend of many influences—the Spanish-French settlement of southern shores, English immigration in the north, the prosperous ante bellum era and 20th century industrialization.

Alabamians share their cherished tradition of hospitality and friendliness with many thousands of visitors who travel within Alabama each year.

A record number of travel inquiries reached the Alabama Bureau of Publicity and Information during fiscal 1969–70.

The total number of brochures, pamphlets and other printed matter reached an unprecedented 1,012,347.

The top 10 States making requests in the categories of tourist, general, education, advertising campaign response and bulk shipment were: Ohio, 31,326; New York, 29,859; Illinois, 23,507; California, 15,507; Pennsylvania 13,298; Michigan, 13,107; Indiana, 9,840; Texas, 9,840; Missouri, 8,533; and New Jersey, 7,500.

Alabama's travel promotion and advertising campaign waged yearly in the Midwest, Southwest, North Central, and neighboring Southern States produced direct ad coupon response from the following top 10 States: Illinois, 7,269; Ohio, 6,775; Michigan, 5,342; Indiana, 4,137; New York, 3,907; Wisconsin, 3,461; Pennsylvania, 3,077; Missouri, 2,174; Texas, 2,045; and California, 2,027.

The States of Ohio, Michigan, and Illinois have held the top three positions since Aalbama's breakthrough advertising program got underway in 1964. The trio merely switch positions periodically.

Travel exhibit appearances in 14 locations accounted for the distribution of 319,750 pieces of Alabama travel literature. The bureau's national travel advertising campaign—magazines, newspapers, and outdoor showings—is coordinated with the travel show schedule—first quarter of each year—and other travel booth participation, to give maximum coverage and publicity to the State's promotion efforts.

A second travel barometer, lodgings tax, also points toward another high mark for the Alabama travel industry. The fiscal 1969–70 lodgings tax total marked a 10.99 percent gain over the previous fiscal year. One-fourth of the ever-increasing lodgings tax is earmarked solely for travel promotion and advertising.

While attendance figures covering visits at Alabama attractions will not be complete until the end of the calendar year, early indications are that a substantial increase will be noted for all major attractions.

In 1969, more than 30 million out-of-State guests spent $310 million. All travelers, visitors, and residents accounted for $485 million. Total sales and receipts in the travel trade industry totaled

$1,046,000,000. Figures for 1970 will be higher.

Mr. President, it comes as no secret to this body that we Alabamians are proud of our State and we make a sincere and intensive effort to encourage visitors. God has bestowed bountiful blessings upon Alabama, which is now in its 151st year as one of these United States. From northeast Alabama's Russell Cave which holds the earliest recorded remains of human habitation in the United States, to the beautiful white sands of Dauphin Island which is lapped by the waters of the Gulf of Mexico, Alabama's attractions are varied and inviting.

With this in mind, I wish to call attention to efforts to attract visitors to Alabama through new and novel means. Alabama is the first State to make use of wide-area telephone service, known as Inward Wats, in order to promote travel and recreation.

The Alabama Bureau of Publicity and Information has inaugurated this effort to assist travel writers, editors, travel counselors, and prospective visitors.

Information on Alabama's travel attractions, scheduled events, outdoor recreation, highways, climate, and laws governing boating, hunting, and fishing is available through this service.

This is not a recorded service. Instead, a live Alabama belle answers all questions and will send brochures and pamphlets useful in making an Alabama vacation an exciting and memorable one.

All that one needs do in order to get information on a fun break in Alabama is to dial 800–633–5761 from 8 a.m. to 5 p.m. central standard time Monday through Friday.

INTERNATIONAL PROTOCOL ON PSYCHOTROPIC SUBSTANCES

Mr. HUGHES. Mr. President, I would like to take a few moments today to bring a matter which is of great concern to the attention of my colleagues and to document my concern as a matter of public record. As you know, Mr. President, the Members of this body and of the House spent many hours, in hearings, committee and subcommittee meetings, and on the floor, discussing and debating the merits of various portions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which eventually was signed into law by the President on October 27 of this year.

Although the bill was very technical in nature, the major issues which arose in connection with it were basic and relatively clear ones. The most important of these had to do with the relative responsibilities of the Department of Health, Education, and Welfare and the Department of Justice over the classification of drugs and over research activities.

Some of us in the Senate, at the time the administration's legislative proposal first came to the Congress, raised questions about the position which the administration had initially taken with respect to the responsibilities of these two departments. The House pursued these same questions—more successfully by the time they had the legislation under consideration, I might add—and after many difficult sessions and disputes came up with a compromise bill. After House passage the Senate adopted the compromise also. So it came to be that the final judgment of the Congress with respect to the proper balance of responsibilities between the two departments differed from the position which was originally taken by the administration when it first proposed the legislation. At least on the Senate side—and as I understand it, on the House side, also—the administration did not oppose the compromise bill, and the President signed it into law on October 27, 1970.

In my view, the compromise version of this legislation, now Public Law 91–513, presently represents this Government's official policy on the issues dealt with by it. Consequently, it is my feeling that any state model legislation proposed by the executive branch and any official international positions taken by that branch should accurately reflect that policy. I am deeply concerned that in the areas I have mentioned, especially in the international area, that this extension of policy is not taking place. It is that area on which I want to focus today.

At the present time, Mr. President, a new proposed international treaty—the so-called Protocol on Psychotropic Substances—is under discussion by our Government and many other governments of the world. This treaty is intended to cover an area which is not already covered by an existing international drug control treaty, the Single Convention on Narcotic Drugs of 1961, to which the United States became a signatory in 1967. The Single Convention establishes international controls over narcotics and marihuana. This newly proposed treaty would apply to psychotropic substances not within the scope of the Single Convention. Roughly, "psychotropic substances" are those stimulants, depressants, and hallucinogens—such as amphetamines, barbiturates, tranquilizers, LSD, or THC, the active agent of marihuana, which affect the central nervous system.

A final draft of the Protocol on Psychotropic Substances will be submitted to representatives of governments for adoption at a meeting which is to begin in Vienna on this coming January 1. A number of preliminary meetings have been held regarding the proposed protocol, the last of which took place in January of this year.

As I say, Mr. President, my purpose at this point is to express and document my concern that, with respect to the proposed protocol, Congressional intent—and in fact, governmental policy—is not being followed in the statement of the U.S. international position. There are reasons to believe that this is so, in spite of assurances which I have received from the Department of Justice that it is not.

One of the most basic issues—to my mind the most basic issue—to come up when the Comprehensive Drug Abuse Prevention and Control Act of 1970 was being considered had to do with the relative responsibilities of the Department of Health, Education, and Welfare and the Department of Justice over the scheduling of drugs for control purposes. The original administration bill indicated that control responsibilities lay with Justice and that HEW could give Justice their views, but that the Department of Health, Education, and Welfare views were in no way binding. The compromise bill, however, changed this so that while Justice still had the ultimate decision-making authority as to control, scientific and medical determinations were made by HEW and these latter determinations were made binding upon Justice.

In discussions on the upcoming protocol, however, there is evidence that the executive branch may still be holding to its original position. Under the draft protocol, schedules may be amended from time to time by the United Nations Commission on Narcotic Drugs—the drug enforcement policy arm of the United Nations—after considering the views of the World Health Organization—the views of the WHO need not be taken and are in no way binding.

In his "Report of the United States Delegation to the First Special Session, United Nations Commission on Narcotic Drugs," written after last January's meeting, John Ingersoll, the Director of the Justice Department's Bureau of Narcotics and Dangerous Drugs, and Chairman of the U.S. delegation to that meeting, stated concerning the methods for scheduling substances:

> This article resulted in considerable discussion and redrafting. The two primary disputes were, (1) whether the decision to control substances and the placing of them in the schedules would be a function of the World Health Organization or the Commission on Narcotic Drugs; and (2) the extent a Party may reject a decision of the Commission to control a particular substance.
>
> Following the lead of Yugoslavia, France and U.S.S.R., the United States Delegation supported the general proposition that all decision-making should be done by the Commission on Narcotic Drugs. Not only should the Commission be responsible for accepting or rejecting a recommendation of WHO, but it should also be able to place the substance in another schedule than that proposed by WHO. The views of the United States were supported by a vote of 13 for, 6 against, and 2 abstentions . . .

Later, in the conclusions of the report, Ingersoll stated:

> The United States Delegation was able to maintain leadership and substantial support throughout the session. . . .
>
> . . . Overall, the United States Delegation agrees that the revised Draft Protocol provides a very good basis for an effective and necessary instrument to control psychotropic substances, and is in general agreement with the terms of the revised draft.

That report was written in February of this year. I am hopeful that the executive branch is now taking account of the changes which have been made in the legislative areas; I want to express my concern that they are doing so.

As you know, Mr. President, when the Comprehensive Drug Abuse Prevention and Control Act of 1970 was being discussed and debated, there were a number

of other issues like the specific one which I have just mentioned which arose and which involved aspects of this larger question of the relative health and scientific input and involvement on the one hand, and law enforcement input and involvement on the other. I am equally concerned about those issues as well—issues which involved such matters as control of research, confidentiality of patient records, confidentiality for research subjects, and maximum permissible freedom for doctors and researchers to use therapeutic drugs with only reasonable interference by enforcement personnel.

Mr. President, I have been assured by the Department of Justice that there was adequate scientific and medical input into the positions taken by the Government on the negotiations concerning the protocol. My staff's inquiries at the Department of Health, Education, and Welfare, as to their formal policy input, however, indicate that that Department has to date had little formal participation in the decisionmaking process. In fact, it even appears that the Pharmaceutical Manufacturing Association was represented on the official delegation at the January meeting, but that the Department of Health, Education, and Welfare was not.

Because of my concern about these matters, Mr. President, I seriously considered holding hearings on them prior to the end of the session. As you know, however, this has been an extremely busy time for all of us—our schedules change by the hour depending upon what is up for a vote, and the matters to be decided in these closing days of the session are also of extreme importance to all of us. So, instead I have written to Secretary Richardson and Attorney General Mitchell, asking them to spell out in detail and in writing what their positions are upon the matters which I have been discussing today—I have a copy of that correspondence and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. In addition, I have expressed by concern about these matters to Chairman FULBRIGHT of the Foreign Relations Committee and to a number of my colleagues.

In short, Mr. President, it seems to me that what we need on this issue at this point in time, is a clear, public statement of concern to refer back to as events take their course, and a clear, full statement of position on the part of the executive branch. I am hopeful that my statement today can serve that purpose and, as a result, can be helpful in the deliberations which take place on our country's position on these matters in the future.

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

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., December 9, 1970.

Hon. ELLIOTT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As you know, when the Comprehensive Drug Abuse Prevention and Control Act of 1970 was under consideration by the Congress, a number of important issues arose. Among the most important of these were those relating to the relative responsibilities of the Department of Health, Education, and Welfare and the Department of Justice over the classification of drugs and over research activities.

In my view, the compromise version of the legislation which was finally passed by the Congress and signed by the President in this area now represents this government's official policy on the issues dealt with by it. Consequently, I feel that any state model legislation proposed and any official International positions taken by the Executive Branch should accurately reflect that policy.

I have recently become concerned that in the areas I have mentioned this extension of policy is not taking place. I raised this question with Mr. John Ingersoll, the Director of the Bureau of Narcotics and Dangerous Drugs, when he appeared before the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee on December 2, 1970, and he appeared to assure me that there were no problems in this respect. Most especially, he assured me of adequate HEW input into recent and upcoming international drug control negotiations. I have enclosed a copy of the relevant portion of his testimony and a copy of a subsequent request by me to Attorney General Mitchell for further information.

Because of my continuing concern and because of the Subcommittee's deep interest in the positions which your department holds on these matters, I would appreciate knowing your own position upon the questions which I have asked Attorney General Mitchell in the enclosed correspondence. As I understand the situation, your department's position upon most of these questions will have already been defined.

If there is reason for delay in portions of your reply, however, I would appreciate your forwarding the requested answers as they become available.

Thank you for your consideration.

Sincerely yours,

HAROLD E. HUGHES,
Chairman, Special Subcommittee on Alcoholism and Narcotics.

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., December 9, 1970.

Hon. JOHN N. MITCHELL,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: You are probably aware that when John Ingersoll testified before our Special Senate Subcommittee on Alcoholism and Narcotics on December 2, 1970, I indicated to him that I would be requesting further information upon certain of the matters which we discussed at that time. In that connection, I would appreciate it if you could answer, in writing, the following questions which relate to the Protocol on Psychotropic Substances and furnish me with the documentary information listed in the attached enclosure.

1. In Mr. Ingersoll's testimony on December 2, he indicated that the Department of Health, Education, and Welfare has had a working input into the United States position with respect to the Protocol. Would you please advise me of the nature of the working group making that input, whom it is composed of, and when it met? Was there formal clearance of the official United States position through the Department of Health, Education, and Welfare, and if so, by whom in that Department?

2. It is my understanding that the Protocol is intended to bring under international control only those substances that are not considered to be within the scope of the Single Convention on Narcotic Drugs, 1961—namely, substances such as hallucinogens (other than marijuana), amphetamines, barbiturates, and tranquilizers—and that, as indicated in the preamble, the Protocol is to be a separate and independent treaty and not merely an amendment to the Single Convention. Why, then, is it called a "protocol" rather than a "convention" or "treaty," and why is the revised draft protocol, unlike the drafts originally submitted by the Secretary-General of the U.N., not specifically limited to substances not within the scope of the Single Convention? (The reference in Art. 2, Par. 1, to psychotropic substances "not yet under international control" seem ambiguous.) Could this not result in overlap and confusion?

3. As you know, the Secretary-General originally submitted to the Commission on Narcotic Drugs two alternative drafts of a Protocol for psychotropic substances as a basis for discussion. Draft A followed the basic concept of the Single Convention whereby the application of particular control measures to a drug is determined by the particular schedule (annexed to the Protocol) in which the drug is listed, and a decision of the international control organs with respect to a change in the content of the schedules is binding on the parties to the convention. Draft B, on the other hand, does not contain schedules; rather, the Commission on Narcotic Drugs, on recommendation of the World Health Organization, would be authorized to request governments to apply to a psychotropic drug that it would designate such control measures specified in the Protocol as the Commission would determine, and the Commission's recommendation would generally be binding on a Party only if it did not expressly reject the Commission's recommendation within a given period.

According to the report of the Commission's 23rd Session, the U.S. representative favored the flexibility of draft B and its provision allowing a Party to reject a control decision of the Commission. He argued that in the case of narcotics the world had some 60 years of experience of narcotics control and hundreds of years of experience of medical use of substances such as opium, whereas in the case of the psychotropic substances there was in both respects much less understanding of the situation and the controls would need to stand the test of time. The Commission, however, decided to base its discussion on draft A and incorporate in it only such provisions of part B as were generally favored. However, the revised Draft Protocol, which will be considered by the plenipotentiary conference, contains a partial compromise between original drafts A and B in that when the Commission has decided to add or transfer a substance to schedule III or IV, a Party may, by notice of nonacceptance given within 180 days, limit its obligation with respect to that substance to five applicable control measures. (This right of nonacceptance does not apply to substances initially in Schedule III or IV.)

Is it intended by the Administration to attempt, at the Vienna Conference, to return to the approach of the B draft which it originally supported; and, if not, which approach does it intend to support or propose? Why?

4. If the revised draft Protocol were adopted in essentially its present form so that the United States could be internationally bound (except as above noted) to take certain measures by the decision of the international control organs, would the Justice Department then recommend ratification of the Protocol by the U.S. and, if so, would it seek amendments to section 201(d) of the recently enacted Controlled Substances Act (PL 91–513) so as to make certain that the Department could at any time so amend the schedules under PL 91–513 as to carry out any U.S. obligation arising under the Protocol? As you know, section 201(d) of PL 91–513 authorizes the Attorney

General to control a drug under that schedule of PL 513 which he deems most appropriate to carry out a U.S. obligation under a treaty that was in effect on the date of enactment (October 27, 1970) of PL 513 (i.e., the Single Convention and its predecessors), without referring the matter to the Department of Heatlh, Education and Welfare for the medical and scientific evaluation and recommendation, and without affording interested persons the opportunity for hearing, that would otherwise be required by section 201(a) and (b). This short-cut, of course, does not apply to the proposed Protocol. Would an extension of section 201 (d) to the Protocol by statutory amendment not make the important safeguards of section 201(a) and (b) largely a dead letter? And, could this not, when coupled with the diminishment of WHO's role described below, effectively neutralize the weight of medical and scientific expertise on what essentially is a public health and social problem?

5. Under the Single Convention, the Commission on Narcotics may not make a change in any of the schedules to the Convention except in accordance with a recommendation of the World Health Organization (WHO), although it may decline to make a change recommended by the WHO. Under the revised draft Protocol on Psychotropic Drugs, while the Commission could control (or decontrol) a substance only if it had received a WHO recommendation on the matter, it could decide to place the substance in a schedule different from the one recommended by the WHO, so that the Commission, rather than the WHO, would determine the severity of control to be applied to a substance. As the Draft Protocol puts it, the Commission "shall take account of" the findings and recommendations of the WHO (which are to be based on the degree of seriousness of the public health and social problem on the one hand and the degree of usefulness of the substance in medical therapy on the other), but it shall make its decision "bearing in mind economic, social, legal, administrative, and other factors that it may consider relevant."

Did the U.S. representative on the Commission on Narcotic Drugs support this change from the precedent of the Single Convention and, if so why? Would the Administration be willing, at the plenipotentiary conference on the Revised Draft Protocol, to recommend that the approach of the Single Convention be followed on this matter or, if it should appear that this would be unacceptable to a majority, at least recommend that the recommendations of the WHO be given weight comparable to that given HEW recommendations under section 201(b) of the Controlled Substances Act, i.e., that WHO findings and recommendations be binding on the Commission with respect to medical and scientific matters and that, if the WHO recommends that a substance not be placed under control or that it be removed from control, it shall not be controlled? In this connection, I understand that the WHO's Expert Committee on Drug Dependence takes the view that the degree of risk to public health presented by a dependence-producing drug and its usefulness in medical practice are primarily matters of medical assessment and judgment and that this is also true of decisions on the need for and level of control.

6. Do you consider it really necessary that the U.S. and other countries be internationally mandated to control research on Schedule I substances domestically to the extent proposed in art. 6, pars. 1–6, of the Draft Protocol? It would seem that the only proper concern of this treaty with research on such substances is to guard against their diversion for other than bona fide medical or scientific purposes. Do you believe that this objective necessarily requires advance approval of each clinical research project, as proposed by the Draft Protocol? We note in this connection that the WHO Expert Committee has suggested that art. 6, par. 3, be reworded "in such a way as to make it clear that the approval of research projects would be concerned only with their objectives, the safety of persons involved and protection against diversion of dependence-producing substances and that it in no way would have reference to the details of the research protocol." WHO Tech. Rep. Ser., 1970, No. 437, p. 9 (section 3).

I am aware that section 303(f) of PL 513 appears to require that the Secretary of HEW determine the merits of each research protocol on Schedule I substances, but the history of that provision indicates that this was inserted in the House out of an excess of caution to guard against the possibility of the Attorney General's passing on the merits of research projects under an earlier version, and took into account the fact that the Food and Drug Administration, under its delegated authority under the Food and Drug Act, already was preauditing research on such substances.

What does par. 1 of art. 6 mean? Does the requirement of direct control or specific approval by government refer to the medical or scientific institutions in which research is conducted or to the researchers in these institutions? What good reason is there for either requirement from the international standpoint? And why should research be limited to and conducted in institutions and thus prohibit bona fide research in a practitioner's private laboratory?

7. Why is it necessary that, as proposed in par. 6 of art. 6, export and import of Schedule I substances be prohibited except when both the exporter and importer are government agencies or institutions? Is not the requirement of export and import permits sufficient for the purpose?

8. Article 10, paragraph 2, would require "institutions for hospitalization and care and scientific institutions" to keep records with respect to Schedule II substances showing the supplier and recipient of each substance and the date and quantity of each acquisition and distribution. With respect to schedule II and III substances such institutions would be required to keep records of acquisition and distribution. Article 13 would require governments to maintain a system of inspection of, among others, "retail distributors of psychotropic substances and of medical and scientific institutions which use such substances", and such inspection would have to include inspection of records. Would it not be desirable to clarify these provisions so as to make certain that governments would not be obligated to require that records containing the identity of patients or human research subjects be automatically disclosed to a regulatory government agency? If you feel otherwise, I would be interested in knowing the reasons for your views.

9. Considering that treaty obligations requiring the Parties to regulate or suppress conduct within their borders should be undertaken only if such conduct within one country would otherwise create problems for other countries, is it necessary that the Protocol require countries to prohibit possession "except under legal authority" of a controlled substance for one's own use (with the discretionary exception of schedule III and IV substances)?

10. Should the definition of the term "distribute" in art. 1 of the Protocol, as meaning "the transfer of a psychotropic substance from one natural person to another," not be modified, as in section 102(11) of the Controlled Substances Act, so as to exclude the administering or dispensing of such a substance, and would not the failure thus to modify the definition impose unintended requirements on physicians and other practitioners under some provisions of the Draft Protocol (e.g., arts. 6 and 10)?

11. Please advise which provisions of the Draft Protocol, if the Protocol is adopted and is ratified by the U.S., would, in your opinion, require amendment of U.S. law in order to bring the United States into compliance with the Protocol, and whether the Administration intends to support or oppose these provisions of the Protocol.

12. Please advise whether you believe that, except as already indicated by your answers to the foregoing questions, there are any provisions of the Protocol that you believe should be opposed by the United States.

13. Article 27 of the Draft Protocol contains blank spaces, to be filled in at the conference, as to the articles with respect to which a government could make reservations at the time of signature, ratification, or accession. Please indicate, with the reasons unless self-evident, the provisions of the Protocol with respect to which you believe reservations should be permitted by article 27.

14. Does the U.S. intend to support the provisional initial schedules of substances as attached to the draft protocol, particularly as to substances not yet listed in the schedules established by P.L. 513? If the U.S. intends to press for changes, please indicate what those changes will be.

15. In reviewing the membership of the U.S. Delegation to the First Special Session of the United Nations Commission on Narcotic Drugs, it appears that a representative of the Pharmaceutical Manufacturing Association was upon the delegation. Why did the Pharmaceutical Manufacturing Association have a member on the delegation, when the Department of Health, Education, and Welfare did not?

I know that the above questions are rather lengthy and technical and that several of the documents which are being requested may not be immediately available. Consequently, I would appreciate your forwarding the requested information as it becomes available.

I am extremely interested in and concerned about these questions. Staff inquiries concerning the Department of Health, Education, and Welfare's formal input into these issues indicate that that department has had little formal participation in the decision-making process concerning the United States position in the areas I have indicated.

I have expressed my concern to Senator Fulbright and have visited with other members of the Senate about my feelings. In addition, I am forwarding this letter to Secretary Richardson, with my request, a copy of which I have enclosed, that he too provide answers to the questions which I have asked. I will deeply appreciate receiving whatever information you are able to furnish me at the earliest possible time.

Very truly yours,

HAROLD E. HUGHES,
Chairman, Special Subcommittee on Alcoholism and Narcotics.

LIST OF MATERIALS DESIRED BY SENATOR HAROLD E. HUGHES, CHAIRMAN, SPECIAL SENATE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS

I. SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

The amendments to this Convention which the U.S. representative indicated would be submitted to the Commission on Narcotic Drugs, and a copy of the working paper referred to by Mr. Ingersoll at the 12/2/70 hearing of the Subcommittee.

II. PROPOSED PROTOCOL ON PSYCHOTROPIC SUBSTANCES

1. The summary records of the 1st Special Session of the U.N. Commission on Narcotic Drugs, which the Economic and Social Council decided are to be presented to the pleni-

potentiary conference for the adoption of the Protocol.

2. Report of 23rd Session (Jan. 1969) of Commission on Narcotic Drugs: E/4606/Rev. 1;E/CN. 7/523/Rev. 1.

3. Comments by Governments on the version of the Draft Protocol (Annex IV) which is attached to the 23rd Session report: E/CN.7/525 and Corr. 1, Add. 1 and Add. 2. (This includes a background paper by the Secretary-General presenting these comments.)

4. Report by Secretary-General to Commission on Narcotic Drugs (23rd Sess.), Sept. 30, 1968, submitting alternative discussion drafts (A and B) of a Protocol on the Control of Drugs Outside the Scope of the Single Convention on Narcotic Drugs, 1961: E/CN.7/519.

5. Secretary-General's report, to the Commission's 22nd Session, on a study of the legal, administrative, and other questions involved in initiating international action for control of substances not yet under such control (barbiturates, amphetamines, tranquilizers, and hallucinogens): E/CN.7/509 (Oct. 23, 1967).

6. Note by Secretary-General: E/CN, 7/518 and Corr. L.

7. Questionnaire to Governments: MNAR 11/68, and replies thereto.

8. Note by Secretariat: Redraft of articles 1 through 20 of draft Protocol A: E/CN. 7/R. 17 and Add. 1–3.

9. Statement by the Legal Adviser on the applicability of the Single Convention, 1961, E/CN. 7/L306.

10. Suggestions for the regimes of control in the Protocol: E/CN. 7/307.

11. Draft resolution proposed by Sweden: E/CN. 7/L. 304.

12. Draft resolution proposed by Canada, Fed. Republic of Germany, France, Mexico, Peru, Switzerland, United Arab Republic, United Kingdom, and United States of America: E/CN, 7/308 and Rev. 1.

13. General Assembly Resolution 2433 (XXIII) of December 19, 1988: E/CN. 7/514/Add. 4.

14. The 15th, 16th and 17th reports of the WHO Expert Committee on Drug Dependence, WHO Tech. Rep. Series Nos. 343, 407, 437. Also, WHO Tech. Rep. Series No. 470.

15. If available, the 18th report of the WHO expert Committee on Drug Dependence.

16. Report of International Narcotics Control Board on its work during 1969: E/INCB (United Nations publication, Sales No. E. 70, XI.2.)

17. ECOSOC resolution No. 1474 of the XLVIII session, requesting the Secretary-General to call, early in 1971, a plenipotentiary conference for the adoption of the Protocol on Psychotropic Substances.

MANMADE INGREDIENTS—HOW SOON?

Mr. DOLE. Mr. President, most of us are aware of the extensive research and development of food processing corporations in recent years on creating new sources of protein and improved nutrition.

Recently a Kansas grain marketing group, Far-Mar-Co., Inc., organized a foods division to conduct research on the utilization and marketing of different grains in new forms for specialized foods, such as meat products, bakery products, and snack foods.

This is a commendable effort for any organization to pursue, but Far-Mar-Co., Inc., is unique in this effort in that it is a regional grant marketing cooperative which is owned by some 700 local grain marketing cooperatives in the seven-State area of Kansas, Colorado, Nebraska, Iowa, Missouri, Oklahoma, and Wyoming. These 700 local cooperatives are in turn owned by over 300,000 farmers who produce the grain.

Therefore this is a self-help program of the grain producers, and a recent feature story in the women's section of the Wichita Beacon tells how Far-Mar-Co., Inc., is working on this project. This story deserves wide distribution, and I ask unanimous consent that it be printed in the RECORD.

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

MANMADE INGREDIENTS—HOW SOON?

(By Kathleen Kelly)

HUTCHINSON, KANS.—Remember when the first soft plastics were called synthetic leather? It took many years and lots of legislation before margarine was thought of as anything but imitation butter. Rayon started as the poor-man's substitute for silk.

Today these and many more "manmade" items are standard products, important and useful on their own merits rather than being thought of as "synthetic," "imitation" or "substitute."

The staff of the new foods division of Far-Mar-Co., Inc., here believes—in spite of current regulatory restrictions—textured vegetable protein products eventually will be accepted foods that make a valuable contribution to the nutrition of the world.

Establishment of the foods division by the world-wide grain maketing firm means a multimillion-dollar expansion into research, development, processing and marketing, according to James H. Dean, executive vice president and general manager of Far-Mar-Co., which also has facilities in St. Joseph, Mo.

Through the foods division, the firm will continue to develop new applications and formulations for the textured vegetable protein products it already manufactures and will research new products from soybeans, wheat, sorghum grains and other agricultural products.

Heading the Foods Division is Charles Potucek, a longtime Far-Mar-Co. executive As vice president, he will have the management responsibility of the division. Dr. Wayne Henry has been named director of the research and development section and Robert P. Michaels will serve as national sales manager.

Dr. Henry, former director of product development and meats research for Griffiths Laboratories, holds a bachelor's degree in animal husbandry from the University of Idaho and master's degree in animal husbandry and doctorate in food science from Michigan State University.

Michaels, formerly national sales manager of the chemurgy division of Central Soya Co., assumes responsibility for marketing textured protein, pre-cooked wheat and other specialty products processed by the new division.

"We will develop and produce specific ingredients for processed foods in the areas of convenience foods, frozen foods, specialty meat products, bakery products and snackfood," said Dr. Henry. "We also will offer customer formulation services and will develop specialized products in custom sizes and shapes for private labeling."

New laboratory facilities, to be completed in January, will enable researchers to embark on development of completely new products from the processing, storage and preservative stages through test runs in a new pilot plant.

Included in the facilities is a meat laboratory equipped to develop pre-cooked portion control products and an analytical lab certified so that all tests may be made according to government specifications on foods where meat is the main ingredient of the formula.

A qualified chemist will be in charge of the analytical laboratory and Far-Mar-Co. currently is enlarging its staff of home economists, meat scientists, cereal chemists, carbohydrate and protein chemists, microbiologists and food scientists.

Dr. Henry said work currently is being done on the "filler concept" use of the textured soy proteins. These are approximately 55 per cent protein and, when used as filler, greatly imprev the nutrition and quality of a number of products.

Some of the resistance to the use of textured soy proteins has come from stockmen, but they actually would stand to benefit from their use, Henry pointed out.

Meat "trimmings" which cannot be used in any other way may be combined with textured soy proteins to make a flavorful, reduced-shrink, pre-portioned patty high in nutrition and low in cost, he said.

Products which may be improved by the addition of textured soy proteins in no way will interfere with the desire of the homemaker for other meats such as steaks, chops and roasts, Henry emphasized. In fact, he said, by providing her with a more nutritive product at no increase in cost, it should make more of her food dollar available for the most-desired cuts of meat.

"Ingredients" for a variety of food systems are the goal of the Far-Mar-Co. research. Michaels pointed out. The ingredients may go into a variety of products such as taco fillings, pizza toppings, beef patties, chili, sloppy joes, stews, canned luncheon loaf, sausage, meatlof mix, frozen foods, packaged dinners, veal drumsticks, canned meats, Polish sausage, pork chopettes, snack foods and pet foods.

Dr. Henry and Michaels pointed out that many researchers are seeking completely "new foods." By concentrating on ingredients for traditional foods, Far-Mar-Co. feels that the impact on nutrition will come about more quickly.

"It takes at least two generations to change eating habits," they agreed. "By adding balanced proteins to familiar foods, the diet may be improved without this generation gap."

Technology already has conquered the grain of corn and the soybean by creating from them a number of different products—meal, oil, syrup, lecithins—and the new laboratory facilities will enable researchers to take a closer look at the grain of wheat.

"We already have developed pre-cooked wheat products and we can enrich wheat with lysine (an amino acid) to give it a better balanced protein content," they pointed out, "but there may be ways to use the components of wheat just as we use the components of corn or soybeans." There are potential food uses and also the possibility of using the components in paper coatings, adhesives and plastics.

While the Far-Mar-Co. Foods division will seek new uses for grains to create new markets for its 300,000 farmer-stockholders, the homemaker and her family are the eventual beneficiaries of the research.

HOMEMAKER CAN HELP

The homemaker has a right to be concerned about food product deception, but positive enrichment may sometimes show up as "deception" in the miles of red tape that must be eliminated before any change can be made in a food product, pointed out Robert P. Michaels, sales manager for the Far-Mar-Co. Food Division.

"Consider canned chili," he suggested. "Regulations allow a certain percentage of filler to thicken and give texture to the product. By replacing the starch commonly used with textured soy protein we can considerably increase the protein content and the palatability of the product. But, even

though the chili would be manufactured under existing standards it would be 'deceiving' the consumer by giving her a more nutritious product than she is accustomed to buying when she purchases a can of chili," he explained.

The recent breakfast cereal controversy may have placed several high-protein enriched cereals in jeopardy, he added. It is claimed in some quarters that the homemaker is being "deceived" because these cereals provide more of the minimum daily requirements of many nutrients than she is accustomed to finding in cereal.

Giving another example, Michaels pointed out that a great deal of lysine-enriched wheat is being produced in the United States, but that it cannot be used here. "We give it away to other countries while nutritionists are concerned about the need for balanced protein foods in this country," he said.

"Regulations such as these build a brick wall between progress and the consumer," he said. "Political and personal gains are disguised as 'consumer protection' in so many cases that the consumer doesn't know whether she's being protected or exploited."

"What can she do?" Michaels was asked. "I'm not sure there's much she can do but keep informed," he said. "When she's aware that she can have a more nutritious breakfast cereal, can of chili or loaf of bread for her family, she could write to her senator, congressman and presidential consumer affairs specialist to ask why? Why isn't the red tape cleared away so that these agricultural products can be used to boost her family's nutrition?"

WELFARE PROGRAMS

Mr. COOK. Mr. President, we have already heard a great deal about the need for day-care facilities to help working mothers. And we are bound to hear a good deal more. I believe that this is an important time to make a strong appeal for more participation by private business in the sponsoring of day-care services.

It is clear that in providing day care, expanded assistance by the private sector is badly needed. The Federal, State, and local governments cannot do the job alone. Setting up the day-care facilities the Nation needs calls for the resources and the know-how of private business, too.

Why has day care become so important to the Nation and the economy now? It is because millions of working mothers have entered the labor market, and they need and demand day-care services for their children. Since the period before World War II, the number of women workers has more than doubled, but the number of working mothers has increased almost eightfold. About four out of 10 mothers were in the labor force in March 1969 as compared with less than one out of 10 in 1940.

Among the 29.9 million individuals who were working or seeking work in March 1969 were 11.6 million mothers with children under 18 years of age. About 7.4 million of these working mothers had children aged 6 to 17; 2.1 million had children 3 to 5 years of age; and another 2.1 million had children under 3 years of age. And the number of mothers who want and need to work is growing. Projections for 1985 indicate that 5.6 million mothers aged 20 to 44 with children under age 5 will be in the labor force by that year.

In spite of the growing demand, the number of day-care facilities in this country is still very limited. Although it is estimated that some 5 million preschool children now need day-care services, 1969 figures—the latest available—show that licensed or approved day-care facilities in the United States had the capacity to care for 639,000 children. More than three-fourths of the total capacity—that is, 518,000 spaces—were in day-care centers and group day-care homes, and 120,000 were in family day-care homes. Nearly one-half of the total 639,000 places for children were in cities with a population of 100,000 and over.

You can see what has happened as a result of this lack of adequate day-care services. Many women in our country who are able to work and want to work must stay at home with their children and rely on welfare for support. A recent Federal study showed that more than one-third of the women receiving welfare are trained for and willing to work. But it found that they are kept from jobs by ill health, young children, and inadequate day-care arrangements.

The Department of Health, Education, and Welfare has reported an increase from 25.3 percent in 1961 to 44.5 percent in 1968 of welfare mothers with high employment potential because of their education or previous job experience. While four of every five of these mothers wanted a steady job, 80 percent could not work because they had children under age 8 and lacked day-care facilities for the youngsters.

The Federal Government has moved to meet this problem by setting up a number of federally funded child-care programs for children of economically disadvantaged families. The work incentive program, Headstart, and other Government-sponsored programs provide not only day-care facilities but also a wide range of health, education, and other services for youngsters in low-income areas. In many cases, these programs allow mothers the opportunity to work or train for work.

Now the administration hopes to go a good deal further in providing day-care assistance, so that welfare mothers can be trained for productive jobs. Under the proposed family assistance plan, $386 million would be requested in the first year of operation to provide day-care services for 522,500 school-age and preschool children. Other early childhood bills now before Congress would establish comparable day-care programs for disadvantaged mothers who want to work.

In addition to the day-care efforts of the Federal Government, a number of State and city governments now have significant programs for providing day-care facilities. But it is clear that the day-care requirements of the Nation are too great to be met by Federal, State, and local projects alone. To meet this challenge, we will need the help of national associations, women's groups, church and welfare organizations, hospitals, labor unions, franchise operators—and we will especially need the active participation of private industry.

Private business firms that employ working mothers can make an important, invaluable contribution to the development of day care in this country. These firms have the financial resources, the know-how and the good business contacts that can stimulate and expedite day-care programs throughout the Nation.

Already business participation in day care has taken many forms. Some employers seeking to serve their own employees have set up day-care centers within their own companies, or have established nonprofit corporations with business financing. Other firms have made contributions to private, nonprofit charitable or educational organizations to help establish day-care facilities which their employees can use. Still others have made contributions to local or State welfare agencies to foster the growth of day-care operations in their communities. Smaller employers have joined together to provide services which they could not support individually. Joint union-management agreements for the provision of day care under trust fund arangements have also been productive.

Many varied business firms have shown an interest in day care. Such companies as the AVCO Corp. and the KLH Research and Development Corp. of Cambridge, Mass., have pioneered in setting up active day-care programs. The Whirlpool Division of RCA has established a community-coordinated program in Benton Harbor, Mich. Many leading business firms are either about to set up their own centers or are actively considering the possibility—such companies as American Telephone & Telegraph Co., Polaroid Corp., and the John Hancock Life Insurance Co. Other firms in the drug, insurance, broadcasting, chemical, and retail fields have attended conferences for business firms interested in day care.

These companies recognize the advantages of providing good quality day care for their employees. With day-care facilities, employers of women can reduce turnover and cut the high cost of training new people when working mothers drop out of their jobs. They can solve many problems of absenteeism and tardiness at work. They can attract women workers because of the day-care benefits they offer. They can often improve production, because working mothers who are at ease on their jobs do a better job. With day-care programs, companies can build good will in their communities by opening up new jobs for women in their plants—and in their day-care centers, too.

Greater involvement by private business in day care would play an important role in helping the Nation meet its needs. The participation of business firms would provide additional resources, improve the quality of programs and stimulate greater public support of day care.

In attempting to meet the increased need, an early problem will be the lack of trained and experienced personnel to

work in the centers. Private business firms can help make new manpower available—through use of present company training staff people and through the hiring of new personnel.

Business organizations can also provide the facilities for day-care centers, so badly needed today. Many communities have the resources to launch a day-care program, but they lack suitable buildings. Under existing legislation, the Federal Government has only limited funds for the construction or renovation of buildings for use as day-care centers. But in many cases, business firms have unused facilities that can be made available. They often have land sites on which communities can build facilities.

The entry of private business firms into day care would also help produce a greater number and variety of day-care models. New approaches would be tried. New materials would be developed. New ideas would be introduced. For instance, there might be an increased number of programs for children with special handicaps.

The involvement of the private sector will not only increase the number of day-care programs, it will also build public interest in day care throughout the country. Where previously many day-care centers were for use by low-income families only, new centers sponsored by private business could bring together children of different social, ethnic, cultural, and economic backgrounds. This would greatly benefit the children, and it would broaden the support of day care among all groups in the Nation.

There are some who feel that the involvement of industry in the day-care field would result in poor quality programs. They feel that through lack of experience or motivation, many companies would simply provide custodial care for youngsters, sufficient to keep the mother's mind at rest. But the competitive spirit of business indicates that private firms would make a real effort to develop high quality, innovative programs. And technical assistance is constantly being made available by the Federal Government.

The Office of Child Development is in the process of developing a comprehensive series of handbooks for use in centers for infants, preschoolers, and school-aged children. These handbooks will contain descriptions of some of the best model programs in the country. They will have the widest circulation. Office of Child Development specialists in day care are available for counseling business firms across the country.

I believe that it is important for Congress to encourage and support the participation of private business in day care now. Many business firms have already shown an interest in entering the field. Their involvement would have great benefits for industry—and for the entire Nation. Only with the active help of business can we produce the network of day-care centers required to meet the needs of millions of working mothers today—and millions more who will enter the labor force during the 1970's.

Mr. President, private industry will not be encouraged to take these vital steps unless the Congress passes the family assistance plan in this session.

FAP represents public policy offered to achieve basic welfare reform. Its long-range objective is to help these families attain and retain independence and useful roles in their communities, through a comprehensive approach to the root causes of poverty. It is true that FAP is essentially an income maintenance program designed to put money, and thus goods and services into the hands of poor families, including the working poor. However, FAP is more than payment of the FAP benefit. It is an income strategy with many components, it is money plus employment, plus child care and other supportive services. All these components fit together to make a whole; one part is dependent upon the other.

The payment of the FAP benefit in itself could not offer a promise of welfare reform. The hope of achieving welfare reform and the FAP objective of helping the poor and working poor covered by the bill to attain and retain independence lies in the cash payment plus the companion programs—the manpower services, the child-care programs, and related supportive services. This comprehensive package of services is designed to assist needy families with children to attain self-supporting, independent, and useful roles in society. It will provide the ladder out of poverty.

Probably the most important single service provided for in the bill and the one on which the other components most depend for their effectiveness is the child-care provision. Without adequate child-care services the work features have no chance to succeed. It is the underpinning of the entire program.

Child-care services are provided to assure recipients that they will not be prevented from participating in training or employment by the unavailability of appropriate child-care programs.

FAP child-care aims at making available the appropriate kind of child care needed by families covered under FAP. To achieve this end, FAP child-care provisions include the following features:

First. Appropriation to the Secretary of Health, Education, and Welfare would be authorized for grants and contracts for up to 100 percent Federal financing of the costs of child-care projects—including transportation and construction—to public or nonprofit private agencies.

Second. Child-care programs provided would be of various kinds, providing for the kind of care needed in the light of different circumstances and needs of children and families to be served. The diversity and variety will help assure usage of services, a problem identified by reports and officials. Families could not find programs to suit their needs and therefore made their own and often inadequate child-care arrangements. FAP intends to provide families with options.

Third. All types of sponsors can participate in providing FAP child care. The Secretary of Health, Education, and Welfare can utilize public agencies, as well as private, nonprofit, and profit-making agencies. Thus, both the public and private sectors will be used in the provision of child care.

Fourth. By providing for Federal initiative and responsibility and full Federal funding, some of the obstacles which have inhibited the development and provision of child-care services in the past will be removed. Lack of available child care has been identified as one of the major drawbacks in the functioning of the WIN program, preventing parents from participating in training and employment. Local and State organizations and agencies just could not meet the matching funds required under current programs. Federal financing of 100 percent provided under FAP eliminates this problem, making it possible to move quickly; without waiting for State and local governments and agencies, with already strained fiscal problems, to search for the matching funds.

Fifth. In addition to the 100-percent Federal financing the FAP will take two other steps to assure expeditious movement in providing child-care resources. Unlike other provisions of the bill, the child-care provisions become effective on enactment of the bill. The advance funding provision affords adequate notice of available funds. Appropriations for 1 year to pay the cost of the program during the next year would be authorized.

Sixth. The financing mechanism devised for FAP child care offers flexibility and more opportunity for State and local resources to respond more rapidly in developing resources. Project grants or contracts could be provided to institutions for startup costs—that is, seed money for initial planning, capital investment for facilities, training and operating costs for the period necessary to establish a smoothly running organization. It also makes it possible to make payments to licensed centers for operations on a per capita basis for all eligible children who are enrolled in these centers.

Another important feature of the bill is in its authorization of funds for grants to, and contracts with, any public or private agency or organization for part or all of the costs for evaluation, research, training of personnel, technical assistance or research or demonstration projects to determine more effective methods of providing child-care services.

Well-designed child-care programs represent a double investment. In addition to benefiting parents by freeing them for work, quality child care can provide children with great benefit and help break the cycle of poverty. Therefore, child care should not be regarded as a means to an end, provided only to free parents for work. Rather it is an end in itself. Developmental child-care programs which provide children with health, educational, and other necessary services promise to pay double investments.

FAP legislation proposes adequate child care for the school-age child. Thus, Federal Government moves toward assuming responsibility for the million latch key children and attacks head-on a social problem of great magnitude.

The number of school age children who are left to care for themselves during out-

of-school hours continue to increase as more mothers enter the labor force.

The implications of the neglected, uncared-for child or the problems of school dropouts, delinquency, crime, unemployment, and idleness in our society can no longer be ignored or underestimated. If the parents are not available to supervise and provide a loving, caring relationship to children in out-of-school periods, then the community must assume this responsibility. Child care, therefore, must be viewed as a community responsibility and a community necessity. Quality child care for the school-age group is indeed a double investment, just as it is for the preschool child.

Through its child-care provisions, FAP offers the possibility of freedom to millions of women who are trapped in poverty and despair because they have young children to be cared for and no way of providing for them while they work. FAP child care with its intent of providing programs which foster the intellectual and emotional development of the child, as well as his physical well being, offers the possibility of solid grounding which is essential to success in school and beyond.

I endorse the principles established in the original concept of FAP and seek their enactment into law. FAP represents an idea whose time has come.

PRESIDENTIAL VETO OF THE MANPOWER ACT

Mr. McGOVERN. Mr. President, we are dismayed and disheartened by the veto of the Employment and Manpower Act of 1970.

Congress has not made it a practice to respond effectively to the cry for the reform of our institutions and the reordering of priorities.

But in this excellent legislation Congress has written a record of which it may well be proud.

Over a 16-month period, with hearings held from coast to coast, followed by months of bargaining in executive session, a fine, bipartisan bill has been fashioned that would make sweeping reforms in manpower programs, decentralizing planning and administration to States and communities, and create the national program of public service jobs that has been for so long an item of unfinished business on the national agenda.

The decentralization and reform parts of the bill are in direct response to the request made by the President in August 1969. He requested seven items then; all seven are in the congressional reform manpower bill.

The bill passed the Senate 68 to 6. In conference, compromise was reached on a number of points.

The bill finally agreed to provided—

First, a clear system of State and local prime sponsors to replace the Labor Department as administrators and planners of manpower programs, with one-third of the funds set aside for those plans.

Second, one-third of the funds reserved for the vital public service employment program.

Third, the final third reserved to the Secretary to carry out in a flexible manner his responsibilities, including the responsibility of maintaining strong programs like the OIC, the mainstream, new careers, and the Neighborhood Youth Corps.

Finally, it protects the interest of four groups of citizens often ignored in manpower and other social programs: Indians, migrants, bilingual, and older workers.

Overall expenditures authorized are $9.5 billion over 4 years, beginning with $200 million for this fiscal year, when unemployment is at an 8-year high, for job creation right now.

And what is the response of the administration to this extraordinary and unaccustomed example of responsive legislation? Veto.

It is an especially cruel veto for the hundreds of thousands of the unemployed for whom this legislation would have meant the dignity of valued community work—such as the work that operation mainstream has provided older workers in rural areas over the past several years.

It is a discouraging vote for those community people, mayors and Governors who have testified and worked hard in drafting and passing this bill, and for whom the legislation provided a rational, and locally controlled, democratically responsive planning mechanism for local manpower programs to replace the dense thicket of tape and regulation that currently strangles efforts to make sense of manpower programs at the local level.

The veto is especially dismaying to those—like John Gardner of common cause—who are devoting themselves to the task, the hope and the necessity of making the democratic system work in these difficult times. It is very hard to see so much work frustrated by an arbitrary veto.

Finally, we must again ask where the heart of this administration lies. Why is $250 million for the SST a matter of national honor, while $200 million this year for jobs is to be maligned as an irresponsible expenditure?

I hope the Congress will reaffirm its confidence in this legislation and override the President's veto.

RECESS UNTIL 9 A.M. ON MONDAY, DECEMBER 21, 1970

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 o'clock on Monday next.

The motion was agreed to: and (at 6 o'clock and 21 minutes p.m.) the Senate took a recess until 9 a.m., Monday, December 21, 1970.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19 (legislative day of December 15), 1970:

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Harry Herndon Critz, [redacted], Army of the United States (major general, U.S. Army).

U.S. NAVY

Adm. John J. Hyland, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William I. Martin, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. James L. Holloway III, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Paul Masterton, U.S. Navy, and Vice Adm. Luther C. Heinz, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

John R. Chaisson	Alan J. Armstrong
Oscar F. Peatross	George C. Axtell
Edwin B. Wheeler	Foster C. Lahue
Robert P. Keller	

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of major general:

Arthur B. Hanson

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

William C. Chip	Joseph C. Fegan, Jr.
Ralph H. Spanjer	Leslie E. Brown
Robert F. Conley	Jay W. Hubbard
Fred E. Haynes, Jr.	Charles S. Robertson
Lawrence F. Snoddy, Jr.	Duane L. Faw
	Mauro J. Padalino
Ross T. Dwyer, Jr.	Edward S. Fris
Samuel Jaskilka	Frank C. Lang
Kenneth J. Houghton	

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Richard Mulberry, Jr.

U.S. AIR FORCE

The nominations beginning Phillip L. Abold, to be 1st lieutenant, and ending John W. O. Williams, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 3, 1970.

U.S. ARMY

The nominations beginning William H. Mason, to be colonel, and ending Margaret E. Wilson, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 8, 1970; and

The nominations beginning Wayne D. McConnell, to be colonel, and ending John A. Ursillo, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Dec. 10, 1970.

U.S. NAVY

The nominations beginning Perry Ahtye, to be captain, and ending Peter Gordon Chabot, to be commander which nominations were received by the Senate and appeared in the Congressional Record on Dec. 3, 1970; and

The nominations beginning Franklin S. Achille, to be ensign, and ending James J. Zelenak, to be lieutenant, (jg.), which nominations were received by the Senate and appeared in the Congressional Record on Dec. 10, 1970.

U.S. MARINE CORPS

The nominations beginning Louis Acosta, to be chief warrant officer (W-4), and ending Kenneth P. Zrubek, to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the Congressional Record on Dec. 3, 1970; and

1st Lieutenant Jack T. Kline, U.S. Marine Corps, for appointment to the grade of captain.

U.S. DISTRICT COURTS

James H. Gorbey, of Pennsylvania, to be a U.S. district judge for the Eastern District of Pennsylvania.

DEPARTMENT OF JUSTICE

Ralph B. Guy, Jr., of Michigan, to be U.S. attorney for the Eastern District of Michigan for the term of 4 years.

Frederick M. Coleman, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years.

Clarence A. Butler, of Maryland, to be U.S. marshal for the district of Maryland for the term of 4 years.

EXTENSIONS OF REMARKS

BOB DOLE: OUR KIND OF SENATOR

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SEBELIUS. Mr. Speaker, in Kansas we enjoy a fourth estate that is historically famous for political shots that are point blank in range and that leave nothing misunderstood. Citizens in Kansas are never troubled trying to figure out the interpretation or meaning of the political commentary in Kansas newspapers.

One newspaper that fits this tradition of "telling it like it is" is the Goodland Daily News. The News recently commented on my good friend and colleague BOB DOLE who has been achieving quite a bit of political fame and notoriety.

It is interesting to note the faster that the junior Senator from Kansas moves up the ladder of political influence and success, the more his detractors complain. They forget one important fact—BOB DOLE believes strongly in what this administration is trying to do and perhaps more important, he has the political fortitude to say so and do something about it.

The Goodland Daily News said all of this recently in a well-written editorial typical of the way citizens in the First District of Kansas think. BOB DOLE gets things done and, putting party politics aside, he is the kind of action Senator the people of Kansas are proud of.

The editorial follows:

BOB DOLE: OUR KIND OF SENATOR

Sen. Bob Dole, putting party politics aside, is our kind of man. Although a freshman senator, he has made his presence felt in the Senate Chamber.

Dole doesn't really care how big they think they are; he'll try 'em on for size. And that even goes for the darling of Massachusetts—Sen. Ted Kennedy.

H. L. Schwartz III, an Associated Press writer, reported in a dispatch the other day that the Dole-Kennedy clashes are becoming more and more frequent. He describes Sen. Dole as the tall, lean defender of the White House wth the zeal of a Dodge City sheriff.

We like the way Dole has been conducting himself. He kinda' makes you glad you're a Kansan. For too many years we have sent senators back there and never heard of them again. But Dole has reversed that pattern. He's being heard of—not only in his home state—but across our great land.

Dole is a capable politician. From his years as county attorney of Russell County to his days in the House of Representatives, and now in the Senate, he has been a big vote getter. He says what he feels must be said—like it or not. And he does what he feels must be done.

Some people questioned his ability as a Senator; too many 'big boys' in that particular chamber; they would beat him down at a mere whimper. But it hasn't been that way. Our fellow Kansan knows how to use his tongue. And the lashings he gives aren't soon forgotten.

Sen. Dole is a close friend of President Nixon. He is a dedicated Republican. His defense of the President and his defense of his party are not to be taken lightly.

Dole has that little extra something that draws support from both sides of the political column here in Kansas. And in the election in 1968, he received more votes than did anyone else.

Bob Dole's okay. And that's something when you consider a Democrat said it.

RETAINING THE PANAMA CANAL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. SCHMITZ. Mr. Speaker, Strausz-Hupe and Possony, in "International Relations," said:

The construction of the Panama Canal may well prove to have been the most fateful event in Japanese history and to have condemned Japan to certain failure when she had hardly started on her expansionist venture.

The Panama Canal and the Canal Zone, an area 5 miles on each side of the center line of the canal serving as its protective frame, were acquired by the United States in the days when diplomacy's mission was geared toward protecting America's national interest. Today's diplomats operating under guidelines designed to achieve some vague, semimystical international order are considering giving this area to Panama.

Recognition of the necessity for a waterway connecting the Atlantic and Pacific Oceans and avoiding the long journey around the Horn, which even today adds 20 to 30 days to a steamer's journey, led us to negotiate the Hay-Bunau-Varilla Treaty of 1903. This treaty granted to the United States in perpetuity the use, occupation and control of the Canal Zone, giving us sovereign rights over that area.

The wisdom of this acquisition and the construction of the Canal was shown during the Second World War and the Korean war. As the two top United States strategists quoted above point out, it was one of the main geopolitical factors—the key link—in bringing about the Japanese defeat.

The Panama Canal greatly increases the strategic mobility of our Naval forces by significantly shortening the time necessary to shift the forces in the face of changing threats. As our Navy is cut back, the necessity grows for the greatest possible speed in redeployment.

The canal also allows us to maintain more combat power in the Pacific area over a longer period of time at lower cost. During the Vietnam war the United States has saved $284 million in the costs of shipping ammunition by using the canal rather than sending it by rail to west coast ports. As the attack on the Defense budget continues to mount, in what is surely the most suicidal campaign it has ever been my misfortune to witness, this saving becomes increasingly important.

The Soviets have long desired to deny us control over the canal and have made every effort to push the United States out of Panama. In 1946 Soviet agent Alger Hiss, then in charge of the Office of Special Political Affairs for the Department of State, transmitted a memorandum to the United Nations in which he termed the Canal Zone "occupied territory," thus attempting to incite Panamanians into demanding return of the zone. In 1959 Fidel Castro sent an expeditionary force to Panama to wage "a war of liberation." Although both Hiss' and Castro's efforts failed, they are vivid examples of a long-standing desire on the part of the Soviets to separate the United States from a piece of its sovereign territory integral to its national security.

Currently there is a campaign underway to force the United States to negotiate new treaties with Panama which would relinquish our soveignty over the canal under the pretext that it is necessary to replace the existing canal with a new sea-level canal. The report of the Atlantic-Pacific Interoceanic Canal Study Commission, submitted earlier this month, has recommended that such a project be undertaken, even though admittedly a "financial risk," rather than complete the modernization of the existing canal.

This "sour grapes" attitude toward the present canal came as no surprise to those familiar with the make-up of this commission. Its chairman is Robert B. Anderson, the chief U.S. negotiator of the team which drew up a new treaty with Panama in 1967 which would have ceded U.S. sovereignty over the zone and would have given to Panama not only the existing canal, but any new sea-level canal which might be built. This treaty was so vigorously opposed in both the House and the Senate that it was never signed. Even if the present Government of Panama was friendly towards the United States, which it is not, giving