SENATE—*Wednesday, December 30, 1970*

(Legislative day of Monday, December 28, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O God, whose Word declares "To every thing there is a season and a time to every purpose: * * * a time to rend, and a time to sew; a time to keep silence, and a time to speak; a time to love * * * and a time of peace," show us what time it is for us and what we ought to do to find Thy will and to fulfill Thy purposes for this Nation. Subdue every unworthy motive. Overrule our mistakes. Grant to each of us here a full measure of grace and charity in our dealings with one another. Guide us by a higher wisdom through present frustration into the fruition of Thy kingdom—for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, December 29, 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.

EXECUTIVE SESSION

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

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

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

NATIONAL RAILROAD PASSENGER CORPORATION

The legislative clerk proceeded to read the following nominations in the National Railroad Passenger Corporation:

Frank S. Besson, Jr., of Virginia, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

David E. Bradshaw, of Illinois, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

John J. Gilhooley, of New York, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

David Walbridge Kendall, of Michigan, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Arthur D. Lewis, of Connecticut, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Charles Luna, of Ohio, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Catherine May, of Washington, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

John P. Olsson, of Connecticut, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, at the conclusion of the tributes to the able and distinguished senior Senator from California (Mr. MURPHY), I ask unanimous consent that there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, 1 hour has been set aside at this time for tributes to the distinguished Senator from California (Mr. MURPHY).

TRIBUTES TO THE SENATOR FROM CALIFORNIA, GEORGE MURPHY

Mr. SCOTT. Mr. President, I would feel some risk of embarrassment for our colleague, the distinguished Senator from California (Mr. MURPHY), were it not for the fact that his disingenuous wit and warmth of personality are such that he will find, I think, amusement as well as satisfaction in the tributes paid to him this morning by his colleagues.

We want GEORGE to know that we have enjoyed every bit of him and every day with him, that he has contributed to this body not only his wit and his sagacity but also his zeal, diligence, perseverance, and his awareness of the needs of his constituency—one of the largest of the States and one of the most complex civilizations on the American continent and, in so doing, he has endeared himself to this body. We have, all of us, benefited from his service with us.

Mr. President, the people give and the people take away; blessed be the name of the people. We who live or cease to live by the franchise of the constituency are all aware that our service is like a promissory note, drawn on the constituency of our State, that it runs its course, that it reaches maturity, that it may or may not be renewed, and that whether renewed or not, the period for which the service has run is itself a contribution to the ongoing process of democracy, whereby each of our 50 States makes its contribution, enters its decisions on the record, and leaves to posterity the making of final judgments.

But as those judgments are made, GEORGE MURPHY's colleagues would want history to show that he has done a splendid job, pursuing his duties with amiability and dedication. We have all been fortunate in sharing our days here with him in the pursuit of the legislative goals which are the responsibility of this body.

Thus, it is my great pleasure to be able to lead off in this series of tributes to our good friend, GEORGE MURPHY.

Mr. President, I ask unanimous consent at this time that a tribute to Senator MURPHY from the distinguished Senator from Hawaii (Mr. FONG), who is unavoidably absent, be printed in the RECORD.

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

TRIBUTE TO SENATOR GEORGE L. MURPHY

Mr. FONG. Mr. President, I have always felt a special affinity to my friend and colleague, Sen. George Murphy, in that he is my neighbor and I invariably must pass through his home state of California as I travel to and from Hawaii.

I am saddened that Sen. Murphy, a man who delighted many of us on the silver screen in our early years and who we welcomed amongst us six years ago, will not be with us in the next Congress.

He has been a hard and conscientious worker in the United States Senate, taking an active part in debate on the floor and constructively adding to the work of his committees. He is well respected by all his colleagues as a man who does his homework and knows his subject.

I am particularly honored to pay tribute to Sen. Murphy in that he shares my keen interest in the welfare of our young people through education.

He has done much for education in California and the nation. He has worked con-

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sistently for the development and prosperity of his State. He has tenaciously fought for the people of California, and Californians can be especially grateful for the Senator's efforts in helping California retain the right to continue setting its own standards for controlling air pollution from motor vehicles. Because of his efforts, California sets and enforces its own very rigid motor vehicle emission controls, a major part of the State's fight against atmospheric pollution.

It has been a distinct privilege serving in the Congress with Sen. Murphy. I personally shall miss him, and I believe he will be missed by us all. On this day, I bid him aloha nui loa—a fond farewell.

Mr. SCOTT. Mr. President, I now yield to the distinguished floor leader, the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, change, as we know, is inevitable, and those of us in politics are supposed to be able to accustom ourselves to change as a very real fact of public life.

However, sometimes change is most unwelcome and difficult to accept. That is particularly true for those of us who have had the rare and pleasant opportunity to work closely in the Senate with our friend and colleague whom we salute today—Senator GEORGE MURPHY.

When I first came to the Senate in the spring of 1966 I found a seat in the back row and a hearty welcome from GEORGE MURPHY. It was the beginning of a most rewarding friendship with a most remarkable man.

During his service here GEORGE MURPHY has made himself a real and integral part of the Senate itself, and its daily life. He has endeared himself to all of us in so many ways that it is most difficult for the junior Senator from Michigan to contemplate the 92d Congress without his presence.

It has been said that a man with many friends is, himself, a friendly man. GEORGE MURPHY is a friendly man and his friends are legion.

In his service in the Senate he has left with us all, on both sides of the aisle, the deep impress of a warm and generous personality, a gracious manner, and a friendliness which always made his company a pleasure.

One of GEORGE's predecessors in the theater—a man named Shakespeare—wrote:

> There is a tide in the affairs of men, which, taken at the flood, leads on to fortune; omitted, all of the voyage of their life will be bound in shallows and miseries.

Our friend and colleague is a man who has taken the floodtide of life—and in doing so he has experienced not one but several distinguished careers. His early life was marked by an interest in sports, coming as he did from a family famous for its athletic connections. He went on to a distinguished career in Hollywood, in both the acting and business ends, and then as a U.S. Senator.

There were some who thought it was most unusual for a man successful in the movies to turn to politics. But for GEORGE MURPHY this was a very logical development for one who had long and continuing interest in politics and good government. That interest goes back a long time. Just for the record, I will mention that he was a delegate to the Republican national conventions in 1948, 1952, and 1956, and in 1960 as an alternate. In 1953 and 1954 he served as Republican State chairman of California. The party of his choice—and, indeed, our whole political system—is much the richer for his keen interest and his service.

No man has served his State and the Nation more ably and more effectively in the U.S. Senate, particularly in those matters involving human needs, the public welfare and national security.

It was my privilege to serve with him on the Committee on Labor and Public Welfare, and I know full well how wide-ranging was his interest in matters that are of deep concern at this particular point in time—in labor, education, civil rights, conservation, the environment, and consumer protection.

The list of his accomplishments in these areas is long indeed. In the field of education, for example, he sponsored legislation giving opportunity to children who speak only a foreign language. He worked hard for an imaginative school dropout program which he supported in the interest of those who fail to complete their schooling.

I could go on but my colleagues here in the Senate know as well as I what all GEORGE MURPHY has done in these areas.

A man is measured not only by what he has accomplished but also what he stands for—and in this respect GEORGE MURPHY stands exceedingly tall.

He has never hesitated to speak out on the issues of the times—whether they involved the war in Vietnam, or dissent at home, and his strong defense at all times of the American way of life. In the integrity and courage which have been the hallmarks of his service in the Senate he has set an example for us all.

We shall miss GEORGE MURPHY here in the Senate and as one Senator I will always think of him, in the words of William Wordsworth, as a man of "cheerful yesterdays and confident tomorrows."

I join with my colleagues in wishing him well in his future endeavors and I hope that we will continue to have an opportunity to enjoy the good fellowship which we have come to know so well.

Mr. President, I now yield to the junior Senator from California.

Mr. CRANSTON. Mr. President, it is a great pleasure for me to join in the tributes to my friend, the senior Senator from California. GEORGE MURPHY and I have had a unique relationship over many years. It is the sort of relationship that could only happen in a great democracy like the United States of America. It has spanned many, many years. It has crossed the aisle that divides the Democrats and Republicans in this Chamber. It has bridged the deep gap that divides people in the United States along ideological lines.

I first became aware of GEORGE MURPHY long before he was aware of me, at a time when he was a famous actor on the motion picture screen.

In the late forties and fifties we found ourselves on opposite sides of the political spectrum in California. We never met until 1964 at a campaign event at the Beverly Hilton Hotel in Los Angeles. At that time, we expected to be running against each other for the U.S. Senate. As it turned out, GEORGE MURPHY won the Republican primary and he came to the Senate. I lost the Democratic primary. I went nowhere.

I supported GEORGE MURPHY'S opponent in the general election of 1964. When I ran for the Senate once again, he supported my Republican opponent. In the general election of 1970, I supported his Democratic opponent in the State election.

We have often differed on matters of ideology in the Senate, on the floor, in the halls and corridors, in the cloakrooms and in the public media. But in all of these many years, neither of us has ever had an unkind word about the other publicly or privately. We have never engaged in criticism of one another publicly or privately so far as I am aware. And I believe I am truly aware of what we have done and said.

We differ on many, many issues. On the other hand, we have found that we could work together very closely on many matters that were of great importance to the people of our State. I think a prime example was our collaboration on the Point Reyes National Park legislation, one of the great accomplishments of the U.S. Congress for the people of California.

We have found many other issues where we could work together and where our combined strength—he working in his way where he could and I working in my way where I could—enabled us together to do things for the people of California and sometimes things for the people of the Nation that could not have been done without our cooperation. Our working relationship really began at the breakfast we had soon after I had been elected to the Senate, in which GEORGE MURPHY already held a seat. We met in the Beverly-Wilshire Hotel in Los Angeles to talk about how we might work together.

Ever since, our relationship has been marked by a spirit of conciliation, of compromise, of collaboration, of cooperation wherever that was possible. We found it very possible in many ways and on many occasions. It is a relationship that will last beyond today, beyond the closing of the session.

There are many ways that we will continue, I am sure, to be able to work together and keep in touch with each other and to work with each other in serving the people of California.

I have great esteem for the man GEORGE MURPHY. I admire him in many ways. I appreciate his friendship. I will miss him. I know that the Senate will miss him.

Mr. GRIFFIN. Mr. President, I yield now to the junior Senator from Illinois.

Mr. PERCY. Mr. President, it is with a great deal of personal feeling that I make these comments this morning. My own friendship with the senior Senator from California goes back to before our political lives began.

I happened to be in the same industry as GEORGE MURPHY, but in a different part of it. I was in the equipment manufacturing end of the business while he was a professional actor.

At the time I was in business, our company was seeking counsel and advice. I went to GEORGE MURPHY as one of the distinguished members of his profession. We established a relationship in business that has grown into a personal friendship spanning many years.

It was, therefore, quite natural that when I went into politics and was seeking a speaker for my first fund-raising dinner in the campaign for the U.S. Senate that I turned to my friend, GEORGE MURPHY, and asked him if he would come to Chicago. He graciously accepted and we had a very successful dinner. With his help, I won that election.

Later, in my own inadequate way, I tried to show my appreciation. In the last campaign, I made three appearances in behalf of GEORGE MURPHY. It only proves that three appearances by the senior Senator from Illinois are not equal to one appearance by the distinguished senior Senator from California.

I campaigned for Senator MURPHY with enthusiasm because of our friendship and because he is known to us as a fine colleague. He has always expressed a gentle Irish humor, which all of us enjoy a great deal, and he is a man of deep convictions.

We have not always agreed on the issues, but in many areas I have fully supported the efforts of the distinguished Senator from California. In the area of pollution, where many of us have been followers, he has been a leader. He is responsible for the Murphy amendment for California, which has made it possible for his State to pass more stringent antipollution legislation than any other State in the Union.

Although he is known as a fiscal conservative, back in 1966 he was talking about the $1 billion he thought was required for pollution. At that time it seemed like a revolutionary and radical idea to spend $1 billion for pollution. Today we are talking about $30, $40 or $50 billion. He had the foresight to see the nature of the problem and the courage to see that it would cost us money to clean up the problem we have created. He fought hard for clean air in California, with the result that his State is the leader in finding ways to rectify the situation through tough legislation.

In the area of drug abuse, he was in the forefront of those who sought ways to fight narcotics in this country, including cooperation with our sister country on our border, Mexico.

He has been a progressive in the field of education, a leader in finding ways to put our national resources behind education. His Bilingual Education Act can be appreciated by those of us who have problems in our own States resulting from people arriving from Mexico or Puerto Rico who are unable to speak the language taught in the school.

He also has done a tremendous amount of work in Headstart, and has sponsored a plan to make it a permanent part of our educational program by incorporating it in the Department of Health, Education, and Welfare.

He has sponsored appropriation bills providing for full funding for the Teachers Corps. Again, this is a progressive, and one might even say liberal, position.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a statement GEORGE MURPHY made in Los Angeles on April 3, 1970, which indicates the depth of his feelings about education.

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

(See exhibit 1.)

Mr. PERCY. Mr. President, the question of prayer in the schools was a subject of deep concern to my former senior colleague from Illinois, Senator Everett McKinley Dirksen. The Dirksen prayer amendment was not adopted, but it always had the support of the distinguished Senator from California.

As a member of the Senate prayer breakfast group, led by our able chairman, Senator STENNIS, I can testify that Senator MURPHY has been a most stalwart, steady, and persistent supporter of the idea that all of us, as mortals on earth, must seek guidance from above for the heavy responsibility we carry in this body. He has provided inspiration through his own steadfastness of purpose in that group.

He has done a vast amount of work in the field of housing. I am deeply grateful to him for becoming one of the first cosponsors of the housing bill I introduced in my first months in the Senate. He provided exceptional help to me at a time when I needed assistance on how to go about introducing major pieces of legislation and gaining support for them.

Lastly I would like to mention the area of hunger. I am on the committee dealing with hunger, a sort of "Johnny-come-lately" to the effort. When I was asked to go on the committee, I could not imagine that any of us needed to talk about hunger in America. But I found that it had been discovered by Senator MURPHY and his colleagues as they went across the country. I went on the committee reluctantly, but I found my service on it to be one of the most rewarding experiences I have had in the Senate. I discovered what Senator MURPHY had discovered—that in this affluent society of ours we can find money for other purposes, but we cannot find money to help feed children who, if they are not properly nourished, will be mentally and physically handicapped for life.

Mr. President, I find my colleague to be a man of considerable passion, with a great interest in people, and I believe this is why he has so many friends.

His book, which is entitled "Say . . . Didn't You Used to Be George Murphy?" tells a great deal about the recognition he has received throughout the world. No man in the motion picture industry is more loved than GEORGE MURPHY. The great tributes paid to him by his own profession are matched by the warmth we feel for him in the Senate.

EXHIBIT 1

EDUCATION

You have a clear and compelling duty to dissent when justice is threatened and when you believe that right is abused. But don't equate reform efforts with unlawful revolution. If injustice is to be righted and if ills are to be healed, the dissenter must create rather than annihilate and build rather than destroy. He must, if you will, work within the system itself . . .

Call it what you will, a library on fire is a burning building and an armed insurrection against the police is a riot, and our people know it, and they know it is wrong.

What I am saying in a nutshell is that your generation has a duty to change the system in those areas in which there is such an obvious need for change, but you will achieve your goals much quicker, and more effectively if you use the built-in strengths of the so-called establishment to help correct its weakness rather than try to tear down the whole structure—U.S. Senator George Murphy, Ninth Honors Convocation, California State College at Los Angeles, April 3, 1970.

Mr. GRIFFIN. Mr. President, I yield to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi.

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

Mr. President, GEORGE MURPHY and I have some possible affinities. I feel I know him well. I believe we can make more of a contribution to him and the Senate by just relating our estimate regarding some of his work.

I think that GEORGE MURPHY has made himself felt as much as anyone and more than most who have come here as Members of the Senate for only 6 years. It is easy for one to make himself heard, it is easy to make noise, but it is no small undertaking to come here in the Senate as a beginner and make oneself felt, especially during a single term. But his fine personality, his intense interest in public affairs, the knowledge that he had to begin with concerning many of the problems here certainly got him off to a fine start.

Whenever he was entrusted with a special responsibility he took it seriously. He prepared and he came through in a splendid way.

I have said before that I was told when I came here that when a man comes to the Senate he either swells or he grows. GEORGE is certainly the opposite of swelling. He represents the fine, solid growth that has made a real contribution here and strengthened the Nation and that has been a credit to the Senate.

In the Committee on Armed Services he gave problems there his fullest attention. He was a very valuable member. You knew he would come through on most of the major questions with something solid and substantial and something he could stand on and influence his fellow members in the committee and here on the floor. We have had some pretty hot times here on the floor in the last 2 years. During all those rugged debates, he was always ready and willing and prepared. I have never called on him, or asked him to stay here, or to be prepared on some difficult subject but that he did not do it to the fullest—not only on policy questions, but the intricate parts of complex weaponry. We owe him a debt for that.

I can say that he is leaving here bodily, but he is leaving an influence and he is leaving a contribution that stands for solidarity and life in government.

Personally, I feel a loss. Officially I would feel a loss. But I salute him for his fine record and commend him for it, and

certainly extend to him heartfelt good wishes and continued good fortune.

Mr. GRIFFIN. Mr. President, I yield now to the junior Senator from Delaware (Mr. BOGGS).

Mr. BOGGS. Mr. President, it is a distinct honor for me to join in congratulating the senior Senator from California (Mr. MURPHY) for his valued service to the Senate during the past 6 years.

Senator MURPHY and I served together for 4 years on the Committee on Public Works. During that period I came to know him well and to respect his advice and ideas. His interest is deep in legislation under the jurisdiction of the Committee on Public Works. This is particularly true when it comes to bills for clean air and clean water. He worked diligently in the committee for legislation to enhance our environment and bring to all Americans a better way of life.

Senator MURPHY's race for the Senate in 1964 marked his first attempt to win elective political office. But he was well schooled in the problems and solutions of government. Senator MURPHY brought to the Senate a broad background in civic, industrial, labor, and political service.

Once he came to this body, he became active in fostering employment legislation through his membership on the Committee on Labor and Public Welfare. He wrote a provision to prevent school dropouts and was very active in the establishment of the Redwoods National Park.

Senator MURPHY's term in the Senate has been one of accomplishment for the people of California and for the Nation as a whole.

I know that when the 92d Congress convenes next month, each of us will miss greatly the advice, friendship, and counsel of Senator MURPHY. We will miss his ability to focus the attention of Members on the vital issues confronting us, and to seek workable solutions.

During these past 6 years, Senator MURPHY spoke in Delaware on several occasions. If I may add a personal note, I hope he will have the opportunity to return to Delaware and to renew the many friendships he has made in my State.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, it is difficult to think of just what to say on an occasion like this, because the man about whom we are talking is loved and admired by everyone here. All of us have observed his dedication, his genuine patriotism, and his keen insight on profound public questions affecting the welfare of our Republic. Consequently, I doubt if I can say anything new or different about GEORGE MURPHY.

I do want to go on record as saying that GEORGE MURPHY has made a very great contribution to his country and to the Senate of the United States. He has set an example in his love of country, in his concern for the preservation of the institutions and traditions that have made this country so great.

GEORGE had a very useful life in public affairs before he came to the U.S. Senate. He was seasoned in his handling of public issues and in activities relating to public affairs.

Therefore, I would like to express the sincere hope that as this, the 91st Congress comes to an end, and GEORGE MURPHY is no longer a Member of the Senate, he will continue in all his activities relating to politics, government, and public service. He had it within his power to render a great contribution and to be helpful to all of us and to our country.

May I say, Senator MURPHY, I hope you will come back and visit us often. I hope that you will frequent the Senate dining room, so that we might, from time to time, enjoy your fellowship. We will miss you in all of these places, and we will miss you at the Wednesday morning prayer breakfast. On those occasions when it was your turn to have charge of the meeting, everyone looked forward to it, because we knew you spoke from your heart and that you were not just saying words, but you were sharing with us the deep faith that you possess.

We all congratulate you on your splendid record of public service. We urge you never to cease in those fine endeavors.

Mr. GRIFFIN. Mr. President, I yield now to the Senator from Wyoming (Mr. HANSEN).

GEORGE MURPHY, THE COMMON MAN

Mr. HANSEN. Mr. President, the first time I met GEORGE MURPHY, he had flown into Wyoming to speak for Republican candidates. I was aware of the extremely demanding schedule he had undertaken and, conscious as well of the strain his wide-ranging activities was placing upon his throat, healing from surgery; I would not have been surprised if he had not been there. But GEORGE MURPHY was never one to spare himself when a cause could be helped.

Mr. President, few Members of the Senate have had broader experience than has he. He is one of the few Members of the Senate who is, and for many years has been, a member of organized labor.

He understands clearly the aspirations, the needs, and the problems of the working man—he worked his way through school—he has greater faith in the commitment and motivation of young people than some believe them to have.

His has been a knowledgeable voice for most Americans, persons who willingly assume the responsibilities of citizenship, the obligations of parents, the duties that devolve upon all of us to defend our country and its institutions.

Raised as a member of a God-fearing family, he has a deep and abiding faith in God and the moral values that go with Christianity. His probing interest has resulted in a number of Members of this body being better informed of the extent of the activities of the purveyors of pornography and smut. His great interest in youth has found outlets in many organizations such as the Boy Scouts of America.

Legislation dealing with our environment has had a stanch supporter in GEORGE MURPHY. I join with my colleagues in saluting this good citizen, great friend, and eminent legislator as he takes his leave of this body.

With emotions filled with respect and regret, I wish him well.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I am delighted to have this opportunity of paying tribute to a man whom I admire and respect very much, Senator GEORGE MURPHY of California. I have known Senator MURPHY for only 2 years I have had the honor to serve in the Senate. I was prepared to like Senator MURPHY very much based on what I knew of him from having seen him in motion pictures, having seen him on the late, late, show on many occasions, and from having read about his career in the U.S. Senate. But I have found that I admire and respect and appreciate Senator MURPHY much more than I had thought that I would.

Mr. President, the press from time to time gives capsule descriptions of people in public life, and its members are prone to describe the distinguished Senator from California as a former motion picture star or a former Hollywood song and dance man. All too seldom do they characterize him by the designation to which he is entitled, which is the able and outstanding senior Senator from California.

Mr. President, as a further token of the love and admiration that I have for GEORGE MURPHY, I want to say that I read every single page of his autobiography with the catchy title, "Say, Didn't You Used To Be George Murphy?" I want to say that I enjoyed that autobiography very much, and it gave me a fresh insight into the character and personality of this remarkable man.

Mr. President, my home State is some 2,500 miles away from Senator MURPHY's home State, and my regularly assigned seat in the Senate is on the back row of the Democratic side, as Senator MURPHY's assigned seat is on the back row of the Republican side. But I want to say that we are not that far apart ideologically, and I have found myself agreeing with the positions taken by the distinguished Senator from California more often than I agree, from time to time, with many of my colleagues on this side of the aisle. I have found that there is not too much difference between a conservative Republican Senator from the great State of California and a conservative southern Democratic Senator.

I have grown to love and admire Senator MURPHY. I have had the privilege of attending many Senate prayer breakfasts at which he has spoken. To my great pleasure and admiration, I have found him to be a most devout man.

So he is a great U.S. Senator, a Senator who will be greatly missed in this Chamber. I shall miss him personally, and look forward to his visits from time to time back to the Senate Chamber. I hope they will be frequent.

So at this time I pay tribute to this great man, this outstanding Senator from the State of California, and say to him, "We shall miss you in the Senate. We hope you will visit with us often, GEORGE."

Mr. GRIFFIN. Mr. President, I yield now to the senior Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, I am pleased to join with my colleagues in bidding a fond farewell and extending a warm salute to GEORGE MURPHY, the retiring senior Senator from California.

The CONGRESSIONAL RECORD provides ample evidence of Senator MURPHY's hard work and dedication to the people of his State which he has so ably and actively represented here in the Senate. However, as should be the case with all Senators, his interests and activities have also extended beyond the borders of his home State. On this floor we deal with numerous issues of nationwide and worldwide import, and, as we have, there has never been a single instance when Senator MURPHY has been wanting in his vigorous support for a strong, realistic, progressive posture on the one hand, or, on the other hand, in his equally vigorous opposition to proposals which would weaken our country or cause it to turn back the clock to the isolationism of the 1930's.

With his long background of experience in business, labor-management relations, and personal involvement in the entertainment industry, Senator MURPHY brought to the Senate a uniquely penetrating understanding of public relations and the subtle ways in which certain press media play upon public opinion. No one understands better than he that public opinion is what makes our system of government tick; and this understanding is matched by his concern over the need for the public to be informed on both sides of all issues. He has done all any one man could do to encourage all members of the communications industry to serve the public interest by giving both sides of a controversy equal treatment. And I suspect that, as he leaves the Senate, he will continue to serve our country by pursuing this objective. I hope he does so, because he is particularly well qualified to do it and because I know that he appreciates the fact that such an objective must be achieved if our system of government and economics is to be preserved, and, preferably enhanced. Indeed, it is likely that he will have greater freedom to carry on this work outside the Halls of Congress than as a Member of Congress where our duties tend to restrict our outside activities—important though such outside activities may be.

And so, as you leave us, I not only wish for you the best of health and happiness, but I express the deep hope that you will use these priceless years in the Senate as a means to achieving a truly informed electorate. No greater service could be rendered the people of the country you love. You have made a gallant beginning, but the battle is yet to be won. May God bless your efforts.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, any public official is certain to owe debts of gratitude to a large number of individuals who have provided a helping hand. In my case, I feel a particular debt of gratitude to the distinguished senior Senator from California, who has been helpful to me in many ways over a long period of time.

GEORGE MURPHY's understanding of political processes and of campaign techniques was freely made available to me during the time I was considering becoming a candidate for the U.S. Senate and throughout the campaign. He came to Oklahoma where he made several appearances in my behalf. His eloquence and prestige did much to add credibility to my campaign and to provide a winning momentum. I am sure he was equally as generous in his support of others.

Since coming to the Senate, I have continued to rely heavily upon the good judgment and good nature of GEORGE MURPHY. His willingness to be helpful, his tireless devotion to duty, and his unfailing wit has served as a model for many.

Mr. President, GEORGE MURPHY will be greatly missed in the Senate. His departure will create a vast void which cannot be quickly filled. I am proud to join my colleagues in paying tribute to his service here and in wishing him great happiness in his new pursuits.

Mr. GRIFFIN. I am pleased to yield to the Senator from New Jersey (Mr. WILLIAMS).

Mr. WILLIAMS of New Jersey. Mr. President, a hundred different backroads of experience bring us here to the U.S. Senate. When Senator MURPHY came here, I made the early and erroneous assumption that his backroads of experience really centered at Hollywood and Vine. Of course, this was an easy assumption, because I had been one of millions who had been thoroughly entertained by Senator MURPHY in earlier years.

Here, on the Senate floor, I learned dramatically that the backroads of experience of Senator MURPHY's life were many and most varied.

The debate and discussion was on a farmworkers' bill. I was chairman of the Farm Workers Subcommittee here. I spent about 5 years with the committee in the field and here on the floor, talking about their problems. Senator MURPHY entered the debate, to my regret, but present pleasure, and I wondered how he spoke with such authority about farmworkers' problems, and he began to tell me. His was not the experience of the lives of farmworkers drawn from Senate field trips but from working in the vineyards and the farms of California. Then we came to the coal mine health and safety bill, dealing with problems of the workers in the mines. Here, too, we learned early that GEORGE MURPHY had worked in the coal mines of Pennsylvania.

I recite this only to suggest that the Nation has been well served by a great man, with a wealth of experience. As the chairman of a committee on which Senator MURPHY served, I know that he so helped.

I know all the great characteristics of GEORGE MURPHY will be spoken of here this morning, and I would comment on one: He is a man of total generosity, a pleasure indeed to know. I express my grateful friendship to our retiring friend.

Mr. GRIFFIN. Mr. President, I yield now to a very patient Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I thank the distinguished acting minority leader for giving me this opportunity to say a few words about one of our colleagues who has served with distinction and who is the friend of many of us. I refer, of course, to Senator GEORGE MURPHY, the senior Senator from California.

I met GEORGE MURPHY first, shortly after his election in November of 1964, in one of the rooms of the minority leader's office in the Capitol. Aside from the awe that the Senate as an institution and the Capitol as an edifice inspired in a then younger lawyer, I was also impressed by the man who was virtually the only Republican victor at the polls in that year and I believe was the only new Republican elected to the Senate of the United States in that year.

I was also impressed by the man GEORGE MURPHY, because it took only a few moments of encounter to realize that this man was extraordinary in many ways and that the spectrum of his importance and significance was greater than I had realized and, I quickly surmized, than most had realized—perhaps even the people of California who elected him by such a handsome majority.

Beyond that time, I paid close attention to the career of GEORGE MURPHY as the sole spokesman of the Republican senatorial class of 1964 and as the man for whom I had derived a brandnew respect and admiration.

It came quickly in early 1966 to make my judgment as to whether or not I would seek my party's nomination to the U.S. Senate and ultimately, hopefully, to become the nominee of my party in Tennessee for the U.S. Senate.

It would not be an exaggeration to say that my contact with and my appreciation for GEORGE MURPHY and his singular success in 1964 had some bearing on the judgment making process that I invoked at that time. I do not imply that Senator MURPHY was the determinative factor in my decision to make that race, for I would not want my colleagues in the Senate to make him shoulder that blame by himself, but I do say that he played some part in that decision.

After the people of Tennessee granted me the right to represent them in the Senate, beginning in January of 1967, I was afforded the opportunity to watch and work with GEORGE MURPHY in a different way, as a very junior colleague of this very distinguished Senate, to watch him perform on the floor of the Senate, to see his work and meticulous care to detail in the Committee on Public Works, of which I believe I was the most junior member at that time and of which Senator MURPHY was a member, to see him prepare his presentations with care and diligence and attend to the requirements of his people of the State of California and of the country.

I think the admixture of his concern and attention to the requirements of his State and the country at the same time might be typified by one of the most significant pieces of legislation of which I witnessed the adoption in the Committee on Public Works while I was there, and that was the so-called Murphy amendment to the Clean Air Act of 1967. Most

Senators will recall that the Clean Air Act of 1967 probably marks the beginning point, the point of departure from which this Nation began its journey to a cleaner environment and its dedication to cleaning up the air envelope around us.

Most often in the Senate, the efforts toward exception are to relieve pressures. But, not untypically, in the Clean Air Act of 1967, in the case of the Murphy amendment, it was to create an exception in favor of stricter regulations in the State of California, so that that fine State and her people might go about the business of attending to their own rather severe air pollution problems in a more rapid way, at an accelerated pace. It is typical of GEORGE MURPHY that he did not permit the onerous implications of exception to deter him from the fact that he, indeed, must have an exception if the people of California were to continue to lead the way, to lead the Nation, in showing how to abate the pollution nuisance, the pollution threat, to the people of this country.

The Murphy amendment stands today as the only exception to the national standards, the national criteria of its type, an exception so that California and GEORGE MURPHY can set about the business of cleaning up the air faster and more rapidly than the rest of us.

I began this discourse by saying that it is not untypical of our colleague that, while he has some impatience with the slowness of our pace in doing the Nation's work and attending to the quality of life, he does not rant and rave against Congress or against the institution or against the bill, for that matter, but, rather, does his best for his country and then provides for the extra effort that he is sure that his State and his people are willing to and ought to devote to the problem. I then saluted GEORGE MURPHY for that accomplishment, and I do so again today, for he deserves it.

Later, I saw GEORGE MURPHY'S work as chairman of the Republican senatorial campaign committee, and saw the delicate, sometimes tedious, but always reliable work he performed on behalf of incumbent Republican Senators seeking reelection and on behalf of youngsters, so to speak, who were trying to become Republican Members of the Senate and to handle large sums of money and distribute them among the candidates, perennially always hungry for money, assistance, and help. I cannot recall one single words of criticism being raised against him by any Republican candidates for the Senate, successful or unsuccessful, or any member of the Democratic majority of the Senate, so far as I can recall. He performed his duties as chairman of the Republican senatorial campaign committee in that way. To amass that record, in these times, is really a true measure of the man. I salute him for that.

Then came the campaign in 1970. It is not intentionally immodest of me, I hope, to say that there were several requests to campaign in several States. I also hope it will be taken as a measure of my respect for Senator MURPHY that I asked him for permission to campaign in California. In this way, I was able to show my high respect for him. I was able to campaign for him. I am not sure it did any good, but it was gratifying to me. While I was there, I discovered something else that I knew subconsciously and would have surmised if I had thought about the particular subject, that GEORGE MURPHY mirrored and reflected the true values and views of the people of the largest State in the Union with extraordinary accuracy. He resonated at the range of the divergencies and diversities of the people of the largest State. I respect him for that.

Success at the polls is not always the best measure of a man's understanding of his constituents. Success or failure at the polls sometimes implies that his judgment, his conscientious determination of the outcome of a particular controversy, is not always in accordance with the passions of the moment. It has often been said that one of the strengths of the Senate stems from the fact that with 6-year terms, its Members are inclined to give greater weight to their consciences and the true values and less weight to the immediate passions of the public. That may be so, but it also creates a highly dangerous and vulnerable position for incumbent Members of the Senate.

In defeat, it is to the credit of GEORGE MURPHY that he was willing to take that risk during his term of 6 years of service and use that delicate mixture of personal judgment, even intuition, together with an understanding of the requirements of the people of California, their long-term views, their dedications, their private and public passions, and mix them together to make his view of the circumstances in that period of history.

Some men suffer in the years following their tenure from the views of historians and scholars, but I predict with no reservation at all that GEORGE MURPHY will not be one of them.

Future close scrutiny of his vast understanding of a great array of problems, his delicate understanding of the people of California and their requirements, now and for the future, and his respect for the institutions of government, but also his determination to make exceptions and forge ahead when that is necessary, his magnificent personality that permitted him to get along with all of his colleagues, but his toughness that permitted him to do the things that needed to be done even at the risk of his own political career, all will give him a place in history that few of us can ever aspire to.

So, today it is my great honor and privilege to salute a great Senator.

Mr. GRIFFIN. Mr. President, it is apparent, because of the number of Senators who have appeared in this Chamber to pay tribute to Senator MURPHY, that there will not be an opportunity within the time allotted to do so. Even though time would be extended, consistent with the requirements of the Senate, it will still not be adequate. I therefore ask unanimous consent that the period allotted be extended for an additional 20 minutes; also, that a statement by the Senator from Colorado (Mr. DOMINICK) who is absent, be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President. One of the greatest privileges I have had during the last 6 years has been that of serving with the distinguished senior Senator from California, the Honorable GEORGE MURPHY. I have grown to respect and admire him greatly in the many contacts we have had over the years.

We serve together on the Armed Services Committee where he has been a tower of strength for the citizens of California and for the Nixon administration.

We have served together on the Labor and Public Welfare Committee for the past 6 years, where it was his proud boast that he was the only labor union member serving on that committee. It was true. GEORGE MURPHY has been a lifetime union member who has been more interested in looking after the rights of his fellow workers than in promoting labor bosses. And he could speak with authority, having been twice elected president of the AFL–CIO Screen Actors Guild and having served on the board of directors of that organization for 15 years.

We also served together on the Joint Commission on Coinage and on the Senate Republican campaign committee. MURPH was chairman of the campaign committee during the highly successful 1968 campaign. Despite having undergone a serious operation on his throat which left him barely able to speak above a whisper, he stumped the country in behalf of Republican candidates—not only for the Senate, but for the House as well. Time after time at these political gatherings he would turn disorganized confusion into a standing, cheering ovation for Republican principles and the candidate he was seeking to help.

Countless times I have seen GEORGE MURPHY help to solve crises in our committees and on this floor with great humor and good grace. I shall miss him, and I wish him good health and great happiness in his future undertakings.

Mr. GRIFFIN. Mr. President, because of his consideration of others at this time, as in so many other times, the man of the hour has got to get away and wants to leave the Chamber.

In response to his request, I now yield to the distinguished senior Senator from California (Mr. MURPHY).

Mr. MURPHY. I thank my distinguished colleague from Michigan.

Mr. President, I dislike very much asking to be excused at this time, but an unfortunate occurrence, the death of one of our esteemed colleagues, Mendel Rivers, takes me away.

I should like to leave here thinking that all the nice things that have been said about me were true. I had no idea I had been as busy as the distinguished Senator from New York says.

I wish to thank my colleagues most sincerely. I am most grateful to them all for the kind and gracious words which have been spoken here this morning on my behalf.

I shall always cherish the honor I have enjoyed, of serving the No. 1 State in the Union in this distinguished and most important body.

I shall always cherish the associations and the friendships which I have made here. I shall miss you all very much. I may have to drop in from time to time just to make certain that the ship of state is on what I consider to be the proper course.

Misfortune is sometimes attended by good fortune. A few years ago, I had the misfortune to suffer an operation which impaired my voice, but through the kindness and courtesy of my colleagues here I was permitted to bring this mechanical device into the Chamber, which I think made it possible for everyone to hear me, even in the galleries. So, as the years roll on and my colleagues look up at the gallery, they will find a control booth there—whether it will be in my honor or not, I am not certain—but this entire Chamber will be amplified so that everyone can hear what everyone else is saying. I think that will be a great boon. So if I have done nothing else while I have been in the Senate, I can leave that as an accomplishment.

So now, gentlemen, I ask your kind indulgence that I may go and pay my last respects to a great friend, Representative Mendel Rivers.

I thank you all most sincerely for the honor you have paid me here today.

Mr. DOLE. Mr. President, I am pleased to have the opportunity to join with my colleagues today in paying tribute to GEORGE MURPHY, the senior Senator of California, who in one term left marks on this body that will not soon be forgotten.

It was easy for the so-called professional politicians to sneer at the thought of what they mockingly called a song-and-dance man joining this august body.

But in 6 years, GEORGE MURPHY has taught many cynics lessons that they would do well not to forget—lessons in courage and lessons in party loyalty.

Let me ask, how many men do we know who would commute across country almost weekly in order to be at their wife's bedside on weekends and still attend to Senate duties on a regular basis?

For 6 years, GEORGE MURPHY has kept up this killing pace, never complaining, seldom missing a vote, and always at the service of his party and of his President.

How many of us here could fight back from a deadly disease and a disability operation and still carry a full workload?

GEORGE MURPHY has done that.

And that is not all. GEORGE MURPHY is one of those rare men who do not fear to stand up and be counted.

He has stood with his party and with his President when the going was easy and when it was rough.

He knows and he has practiced the true meaning of loyalty and service—yes to his country, yes to his family, and yes to his party.

Mr. President, the senior Senator from California has proved that you don't have to be a lawyer or a professional politician to serve in the Senate, and through the Senate to serve our Nation well.

Without question, the Senate will be soon without him, but I also know without question, that in one capacity or another, Senator MURPHY will continue to serve his party and his country in the months and years ahead.

Because of this, a nation and the American people will be richer.

Mr. President, again I say, the Senator from Kansas is proud to be among those paying tribute to a fine man and a worthy Senator, GEORGE MURPHY of California.

Mr. President, as a junior Senator in this body and sitting to the right of the distinguished senior Senator from California, I shall miss him. But the Senator from Kansas has learned much from the senior Senator from California.

I have learned to know this great man. I have learned to know of his great accomplishments, not just in the Senate, not just in California, but all across America and throughout the world.

So all of us who have had this opportunity and privilege are better for it. Certainly I consider that I am better for it, better because of his dedication, but perhaps better just because he is GEORGE MURPHY, perhaps one of the silent majority, perhaps the leader of the silent majority, but a great man, a man who has left his mark in this body.

Mr. GRIFFIN. Mr. President, one of the closest friends of Senator MURPHY, in different ways, geographically and otherwise, is the senior Senator from Arizona (Mr. FANNIN).

He was here when the Senate opened, anxious to speak, but business took him away. He is now back, and I am glad to yield to the senior Senator from Arizona.

Mr. FANNIN. Mr. President, I am proud to join my colleagues' tribute to a fine American, GEORGE MURPHY.

Mr. President, it is a fortunate man who has good neighbors. And I have been blessed with great neighbors.

It was my privilege to enter the Senate 6 years ago with Senator GEORGE MURPHY from my neighboring State of California. I have worked with Senator MURPHY on committees and I have had the pleasure of sitting next to him in this Chamber. I will greatly miss his guidance and counseling.

Even before I had the privilege of coming to the U.S. Senate, I worked with GEORGE MURPHY on projects in my State of Arizona. He was a businessman. GEORGE MURPHY is a man who has many diversifications.

Words are inadequate to describe his achievements or the great service that GEORGE MURPHY has rendered to his fellow man, his State, and his Nation.

As a Broadway actor, as a movie star, as a labor official, as an author, and as a U.S. Senator, GEORGE MURPHY has devoted his full energy and has been an overwhelming success.

Senator MURPHY excelled in his work in labor relations even before he came into the U.S. Senate. He was called upon several times to help in settling strikes. He was successful. He made himself available to work with others. He has been able to view labor problems from every angle.

He was a labor leader, having been elected twice as president of the Screen Actors Guild. He has been a business executive and therefore could appreciate the problems of management. So it has been that Senator MURPHY has been able to apply this insight to the business of legislating in difficult situations.

Senator MURPHY had the spotlight, stardom and an Oscar as an actor. But here in the Senate he devoted his efforts to work rather than taking bows publicly. He has always been willing to do more than his part in tackling any task at hand. He never asked for plaudits, but was always giving accolades to others.

He has made major contributions of time, talent, energy, and knowledge in helping his party. He was in charge of programs at three national conventions. He was chairman of the national Republican senatorial committee in 1967 and 1968.

Previous to his Senate career, he served both officially and unofficially as a leader of the Republican Party as State chairman and as program chairman of Republican National Conventions in addition to taking a leadership position in campaigns throughout many of the States of this Nation.

Senator MURPHY has worked vigorously to attain goals for himself, for his party, for his State, and most of all, for his Nation.

The senior Senator from California has earned a rest—but I have the feeling that he will turn up where the action is. I wish him the best, for no one deserves it more.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Utah has been very patient. I now yield to the Senator from Utah.

Mr. BENNETT. Mr. President, my colleagues have already outlined and given us over and over again the striking details and the pattern of life of GEORGE MURPHY, but certainly everything is very different when viewed in the context of Senate membership.

I would just like to say a word or two about GEORGE as a man.

It seems to me that he has brought to the Senate a number of characteristics that contribute greatly to the stability and the greatness of this body.

He is a man of high character when measured by all of the highest standards that can be used—honesty, integrity, responsibility, and the other characteristics we associate with those terms.

Because he came out of the background of the performing arts, people tend to overlook the essential goodness of the man. In the 6 years I have known him, I have been struck by his attitude toward others, which I would describe as one of kindliness. There are a lot of pressures and tensions in this body. I find myself succumbing very frequently to the temptation to be unkind. I have never seen that attitude exhibited by GEORGE MURPHY.

At the risk of being misunderstood, I would say that GEORGE's attitude toward others has a characteristic that might be described as sweetness. It is a kind of innocence that is generally free from bias or from bile.

Reference has already been made to his faithfulness which is so beautifully portrayed by his devotion to his wife who, for years, has been an invalid.

GEORGE comes from the Hollywood atmosphere where lifelong devotion to

one's mate is the exception rather than the rule. His election put a great burden on Senator MURPHY since it caused him to leave his wife's side.

He certainly has demonstrated his tremendous capacity for faithfulness and his willingness to sacrifice himself and his own strength in order to maintain that personal relationship.

I remember that during the campaign in 1966 he was in Salt Lake and without warning the airline canceled his flight. Anyone would have been upset, but GEORGE's first concern was, "My wife is expecting me." He had to get to a telephone and call her.

Another characteristic of the man is courage. Very few men would have suffered the physical handicap that he has suffered, a handicap that is particularly difficult in this body where we are called upon to use our voices so frequently, a handicap which his political enemies used against him. But those of us who worked with him realize he has never been embittered or discharged because of it. He smiled and joked about it a little and found a solution for it. The half whisper that has become his trademark in the Senate will be missed because it is a kind of badge of courage.

Reference already has been made to his versatility. I think this is one of his great characteristics. A man who can succeed in fields as far part as the performing arts, politics, and business, and keep himself humble and responsive through all of those experiences of success must be a real man.

GEORGE MURPHY's father was the trainer for the U.S. Olympic team in his time. His job was to build men physically for that ultimate international challenge.

I think probably his most successful product was his son, GEORGE, and we who have had the privilege of serving with him during these past 6 years have benefited greatly by that association.

I am sure all of us on both sides of the aisle will not only miss him, but also we will find that a special quality has gone from the Senate.

Mr. GRIFFIN. Mr. President, I yield to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator for yielding.

I have had the unique opportunity to be a friend of GEORGE MURPHY, as well as a colleague, in that I am the ranking minority member of the committee on which he served for most of his Senate career, the Committee on Labor and Public Welfare.

There we saw a side of GEORGE MURPHY which, to my mind, was most admirable, for he is above all else a very personal man and a very humane man. Although his upbringing led to different conclusions than traditionally has been the case with labor leaders that led him to the conclusions of a more conservative character in terms of economic and social policies, he infused these views with a humaneness and practicality which was admirable and which was of tremendous assistance to the committee.

These attitudes, which are so laudable in a friend as well as in a Senator, showed themselves remarkably in a particular incident to which I wish to testify as his colleague. A few years ago Senator MURPHY was a member of a subcommittee of which then Senator Clark of Pennsylvania was chairman and of which Robert Kennedy and I were the additional members, as well as Senator MURPHY. At that time we went to Jackson, Miss., for hearings. It was one of the first times that there had come to the attention of a Senate committee that depth of depression which was evident there in a real crisis of hunger for hundreds of families in the Mississippi delta. This had been rumored and reported on by teams of physicians and others, but here we saw it in all of its stark reality. It was a deeply shocking experience. Our reactions were various reactions of shock, surprise, denunciation, indignation, and determination to have legislation reflecting the views of the different men concerned. But the reaction of GEORGE MURPHY was typically humane and direct. He said that such a thing cannot be and should not be in this country and that there must be a way to solve it, whether there is a law on the books or not, and that the man to do that would be the President and none other.

Under the leadership of Senator MURPHY, although he was the junior member of the committee, a direct appeal was made to the President in respect to this matter. This resulted in what were properly described as a sensational series of hearings on Capitol Hill, involving the then Secretary of Agriculture, Mr. Freeman, and they brought about a realization of the profundity of this problem and had a great deal to do with the President's acceptance of it and the declaration of his insistence, as one of the objectives of his presidency, that poverty in this country should not go to the extent of hunger, no matter how hard it was to wrestle with.

I think we owe a great deal to the practicality and human kindness of GEORGE MURPHY. He is a man of paradoxes, a businessman, as well as a great entertainer. I had seen him and enjoyed him many times before I encountered him here. He is a great raconteur. One could not find a happier companion than GEORGE MURPHY.

Although a man of conservative social views, he always has a pragmatic bent to get something done rather than not to get it done. This has distinguished his entire career.

It is interesting that prior to his Senate career he had been a dancer. He was a soft shoe dancer, as the saying goes in the profession. That carries with it a requirement for that very special grace, kindness, and sweetness of which the Senator from Utah has spoken, but also for decisiveness and precision, and GEORGE MURPHY expressed all of those qualities in his intellect, as he did in his field, a remarkable combination.

It is always a joy for another man to contemplate the variety of talent that may be possible in a friend, as well as a colleague. So from this very specially privileged vantage point I have had of working with him as his colleague on the Committee on Labor and Public Welfare, as well as my lifelong contact with him, in all fields in which he has operated so successfully, I join all colleagues in bespeaking the kindest and happiest things for him, both present and future, and join with them in hoping so dynamic and effective a human being will not allow his leaving the Senate to interrupt the rhythm of his life or the rhythm of his work and that we shall be encountering him again in many other ways in the constructive as well as the happy guise he has represented as a human being in the Senate.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the period for these statements be extended for an additional 10 minutes.

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

Mr. GRIFFIN. Mr. President, sitting quietly and patiently in the Chamber, as he often does, while these proceedings have been going on, has been the senior Senator from Delaware. I now yield to him.

Mr. WILLIAMS of Delaware. Mr. President, I join colleagues in paying respect to GEORGE MURPHY, an able representative of the State of California and a great American.

One of the highlights of serving here is that we get to meet and know men like GEORGE MURPHY. I especially am sorry he will not be here when the 92d Congress convenes next month. Nevertheless, as one who likewise will not be here, I wish to say it gives each of us, as private citizens, a greater opportunity to get together and perhaps to enjoy life together as private citizens and maybe it has some advantages in that from the east coast as well as the west coast we can observe the activities of colleagues and occassionaly come back and meet them.

I shall not attempt to review the record of service which has been outlined here this morning so ably by other Senators, but I merely wanted to say that as GEORGE MURPHY goes back to his family in the State of California he carries with him not only the respect but the very best wishes of his many friends in Washington.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, I did not know GEORGE MURPHY prior to the time that he came to the Senate. During his service in the Senate he has taught me to admire him for the qualities of his head and to love him for the qualities of his heart.

GEORGE MURPHY is a very unusual person. He brought to the Senate a wealth of practical experience in many activities of life. As a consequence, he was well versed in the fundamentals of many of the problems which have confronted the Senate since he has been here.

He had an uncanny capacity to distinguish between the things which are real and the things which appear to be plausible. As a Senator, he was always trying to do something about the things which are real and to assign to their proper insignificant position the things which are merely plausible.

GEORGE MURPHY is a man of rare intelligence. At the same time he is a down-to-earth individual. He has brought to the discharge of his senatorial duties

not only his rich experience from many activities of life prior to coming to the Senate, but his great store of commonsense and, as someone has remarked, a pragmatism.

The thing that has appealed to me about GEORGE MURPHY most, outside of his genial companionship, is the fact that he can rightly be characterized as a stouthearted man. By that I mean GEORGE MURPHY has had the fortitude to take stands on sides which he believed to be right regardless of their probable effect upon his political fortunes.

The people of the United States are greatly indebted to GEORGE MURPHY for his service in the Senate, because of the wisdom which he had gained from practical experience, and because of the fact that he had a brave and courageous heart which prompted him to stand for the things which he believed to be in their best interests.

I wish for GEORGE MURPHY in the days that lie ahead the greatest possible happiness. I wish to say I shall miss his genial companionship and the great pleasure which it always afforded me.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the RECORD remain open to receive further statements and tributes concerning Senator MURPHY until the close of the session of the 91st Congress.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that thereafter the statements and tributes be gathered and published as a Senate document.

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

Mr. JORDAN of Idaho. Mr. President, it is an honor for me to stand this morning to pay tribute to my esteemed colleague and friend, GEORGE MURPHY of California.

When GEORGE came to the Senate 6 years ago, unlike most first-term Senators, his name was already a household word. His first profession had already earned him 45 movie roles and an Oscar. He had already been a delegate to three Republican National Conventions and was 2 years chairman of the Republican State Central Committee of California. He had already entertained U.S. servicemen—in World War II—and been president of a labor union, the Screen Actor's Guild.

At a time when most men consider their life's service complete and are willing to bask in the accolades of the great men of their time, GEORGE MURPHY recognized the need for firm leadership for the State of California in the U.S. Senate.

Shakespeare must have been thinking of him when he said that:

> Some men never seem to grow old. Always active in thought, always ready to adopt new ideas, they are never chargeable to fogyism. Satisfied, yet ever dissatisfied; settled, yet ever unsettled, they always enjoy the best of what is and are the first to find the best of what will be.

For this 6 years GEORGE MURPHY has given that extra mile of effort on behalf of the people of his State and the United States. We have all learned much from his insight and understanding.

"The evening of a well-spent life brings its lamps with it." The lamp which GEORGE MURPHY takes with him today is the knowledge of a life well-spent, and a service well given.

Mr. GURNEY. Mr. President, I want to associate myself with the remarks of my colleagues concerning the distinguished senior Senator from California (Mr. MURPHY).

Those of us who have come to know GEORGE MURPHY personally during his years in the Senate have found him to be a good friend and a very warm and gracious human being; must important of all, a truly outstanding Member of this body. He is a man of great compassion and understanding and he has worked very diligently for the welfare of his great State and our country during his public career.

I have had an opportunity to see him work firsthand on our special Committee on Aging, and I know of his deep concern for our older citizens and personal commitment to improving their lives and insuring their well-being.

He has been the kind of Senator all of us wish to be—able, dedicated, conscientious, knowledgeable, hard working and effective.

Whether it was work on his important committees, or debate here on the floor; or prodding the executive and administrative branches of Government on behalf of his great State of California and his constituents, Senator MURPHY has been known and respected for his outstanding ability.

Senator MURPHY's life is an inspiration to all. He has excelled in everything he has undertaken. He set his sights high and he reached the top of the mountain, whether it was as an actor in show business, a leader in union activity among his colleagues in Hollywood, in Republican political organization in California, or in elective public office, representing the largest State, California, here in the U.S. Senate.

He and his family and his friends can view GEORGE MURPHY'S life as one of great achievement and great contribution to his fellow men both in the field of entertainment and in public service.

GEORGE MURPHY is a fine gentleman, and has proven to be an honorable and conscientious public servant. He has earned the respect of his colleagues and, more than that, he has earned the friendship of his colleagues. The U.S. Senate will miss his presence in the next Congress.

Mr. COTTON. Mr. President, whenever representatives of our news media have tried to add an extra touch of color to their reports about Senator GEORGE MURPHY by playing up his background as a song-and-dance man rather than his more recent accomplishments as a legislator, "MURPH" has let it be known with a mixture of Irish jocularity and irrefutable accuracy that he was, in fact, a darned good song-and-dance man and that he was trying just as hard to be a good Senator.

I submit, Mr. President, that the distinguished senior Senator from California has far surpassed his goal, for the record will clearly show that he has been more than merely a good Senator; he has been a truly outstanding lawmaker and statesman.

But excellence is nothing new to GEORGE MURPHY.

The facts of the matter are that he has been outstanding in all of the varied fields in which he has been engaged—in the field of entertainment, which I mentioned; in the labor movement, as head of the Screen Actors Guild; in the area of politics, as chairman of our party in the State of California; in the field of management, as the vice president of a major corporation, and finally, of course, as a U.S. Senator from the most populous State in the Nation.

In addition, he did a magnificent job as chairman of the Republican Senatorial Campaign Committee, and all of the Republican Senators who were candidates during his tenure in that office—of whom I am one—are eternally grateful for his tireless work in our behalf.

There is no honor that the Republican Party can bestow on GEORGE MURPHY that he does not richly deserve.

I would like to point out, furthermore, that in my capacity as the senior Republican on the appropriations subcommittee which handles those matters pertaining to health, education and welfare, I have had a firsthand opportunity to observe GEORGE MURPHY's warm and deep interest in people, especially our youth, as indicated by his intense efforts in behalf of such legislation as the dropout prevention and bilingual measures.

His work in behalf of these and similar programs has stemmed directly from his abiding faith in the goodness and strength of our country and his unwavering conviction that we as a nation must continue to build from this foundation rather than try to destroy it.

GEORGE MURPHY, through his public life and thousands of unpublicized private actions, has always been and always will be a builder.

He is, Mr. President, a builder of men, and although men as indivduals die, the sense of dignity, integrity and patriotism provided to them through the work of men like GEORGE MURPHY will live on through their descendants for generations to come.

No builder could construct a finer monument.

Mr. CANNON. Mr. President, I rise to join my colleagues in honoring GEORGE MURPHY, a Senator from my neighboring State of California.

It has been my privilege to serve on the Senate Armed Services Committee with Senator MURPHY. He has impressed me greatly as a hard-working legislator and a man dedicated to a strong defense for the United States.

Senator MURPHY has been a battler for a secure and vigorous America. He has never failed to speak out for the things in which he believes and never at any time has he shirked his responsibilities to the people of California and the Nation.

Senator MURPHY was never given to lavish Government spending or reckless appropriations, but he never hesitated, when he thought a question of national security was involved, to give the matter

intensive attention and, if merited, his active support.

My wife and I join in wishing Senator MURPHY and his wife every happiness in the years ahead. We hope his friends in and out of the Senate may continue to look for his wise counsel and warm friendship.

Mr. GOLDWATER. Mr. President, there probably is not a man on this floor who has known GEORGE MURPHY as long as I have. Not that you have to know GEORGE a long time to respect him, to love him, and to admire him, but having had the opportunity of knowing him through many years, I probably hold these feelings more strongly than do his friends and colleagues who have known him a shorter time.

I knew him when he was an actor and struggling to assist other actors through their association. I knew him in his early days of association with the Republican Party as one of the first members of the entertainment world who realized that a man talented in that way had no reason to shun his responsibilities to his country and his fellow men. I have worked with him on conventions of the Republican Party, and I have traveled with him back and forth across these United States helping to raise money and helping to elect candidates to public office.

GEORGE's presence in this body will be sorely missed, because we have had rare opportunities to be associated with a man of his talents, his energy, and his deep and loyal devotion to his country. I think it is this latter attribute which has been the hallmark of GEORGE's public service, and I know from associates across this country that it has rubbed off on old, middle aged, and young alike.

A love of country and a willingness and ability to express it—not just now and then, but constantly—is an attribute that he will leave as his record and take with him into the life ahead, which I hope, and I know all of us hope and pray, will be a long and delightful one.

Mr. PEARSON. Mr. President, there are many ways an American citizen can serve his country; but when it comes to all around citizenship few individuals are the equal of Senator GEORGE MURPHY.

There are many areas in which a Senator can make his mark, but when it comes to leadership in such legislative areas as elementary education, air quality, and peace through strength, Senator MURPHY sets the example. And his work on behalf of his party is unsurpassed.

GEORGE MURPHY has long been a leader—in labor, in civic affairs, and in politics.

He received the first national award presented by the National Conference of Christians and Jews. He has been honored by many organizations, including the Cancer Prevention Society, the U.S. Department of State, the Boy Scouts of America, the American Red Cross, the Friendly Sons of St. Patrick, the USO, and the National Education Association.

Here is a man, Mr. President, who knows America. When he left Yale, GEORGE MURPHY worked as a coal miner in Donora, Pa., an apprentice tool maker at the Ford Motor Co. in Detroit, a runner for a stock brokerage firm on Wall Street, a Broadway actor and finally a motion picture star.

In the Senate he authored the dropout prevention program, and coauthored the Bilingual Education Act, both of which were incorporated in the Elementary and Secondary Education Act of 1967. He sponsored the cooperative vocational education program and has helped draw attention to the education problems of Spanish American children. He has made a great contribution to the cause of clean air.

We are honoring a Senator, Mr. President, who believes in democracy, and opposes tyranny of the right or left. We are honoring a dedicated American and a conscientious public servant.

Mr. President, although the Senate is losing a distinguished Member, America is fortunate to retain a distinguished citizen.

Mr. BROOKE. Mr. President, when the Senate loses GEORGE MURPHY it will lose a man of deep convictions and rare wit and good humor.

I can recall many instances when GEORGE MURPHY has come to this Chamber early and left late, spending long hours in debate for the causes in which he believes. We have served together on the Armed Services Committee, where he has been a faithful and effective participant in our deliberations. And throughout his career, he has been a thoughtful and progressive proponent of quality education and health care for all Americans.

I am proud to salute a man who has led a varied and active life, and made a substantial contribution to the welfare of this country. As he enters yet another stage in his long career, I wish him well.

Mr. TALMADGE. Mr. President, it has been a great pleasure to serve in the Senate with Senator GEORGE MURPHY, and I am proud today to join in this salute to him. I first knew GEORGE MURPHY as a youngster, and was a fan of his in movies, in which he frequently appeared with Shirley Temple. Since he has come to the Senate, I have been very much impressed by Senator MURPHY's personality, his ability, and his devotion to duty.

He has made an outstanding contribution to the U.S. Senate. One thing that I admire most about him is his courage. He has the courage of his convictions to act in accordance with what he believes to be right regardless of whatever tempest and controversy it may evoke.

Senator MURPHY was generous enough to send me a copy of his book, "Didn't You Use To Be George Murphy?" which I read and enjoyed greatly.

I commend him for his service to the Senate, his Nation, and the State of California, and I wish him every future success and happiness.

Mr. ALLOTT. Mr. President, today we pause to pay tribute to the distinguished senior Senator from California, GEORGE MURPHY. It has been my pleasure to serve with him during these past 6 years, during which time he has made many great contributions to the Republic.

A man of tireless energy and resourcefulness, GEORGE MURPHY was always there when he was needed. He came to the Senate during those dark days for Republicanism following the 1964 elections. The things GEORGE MURPHY believed in were pushed aside at that time as being the philosophy of the past. Well, even though Senator MURPHY will not be with us next session, he and his philosophy have been vindicated.

In the White House, and from his home State—clear across this land—to New York State, men are now holding office who stand with GEORGE MURPHY and his principles. Indeed, it is even considered respectable today to advocate the principles for which Senator MURPHY fought over these many years.

I well remember his leadership in the fight to prevent Abe Fortas from being confirmed as Chief Justice of the United States. Today, as Chief Justice we have a man who reflects the philosophy and integrity GEORGE MURPHY and all of us were seeking when we participated in that fight.

Senator MURPHY's battles for sensible labor and welfare policies have greatly added to his stature among his colleagues. Above all, GEORGE MURPHY, in victory or defeat is a man of goodwill, a good sense of humor, and unswervable convictions.

We shall miss GEORGE MURPHY in the 92d Congress. Yet he can continue his work knowing that his philosophy is well represented here. Those of us who respect and love GEORGE know that he will spend the rest of his life working for America and all it stands for.

Welda joins me in wishing Julie and GEORGE MURPHY God's protection as they prepare to enter another phase of life's work.

Mr. SAXBE. Mr. President, I am delighted to add my voice to those paying tribute today to the distinguished senior Senator from California. Mr. MURPHY has been a friend and a counselor to me even before I came to this body 2 years ago.

I recall his aid and help during my campaign in 1968 when Mr. MURPHY, as chairman of the Republican Senatorial Campaign Committee, came to Ohio in my behalf. Later, after I came to Washington, GEORGE MURPHY always made himself readily available to a new Senator, both as a big help in getting me acquainted with my new surroundings, and as a friend.

We shall miss the distinguished senior Senator from California. I have enjoyed my relationship with him and have come to admire him as a man of honesty and integrity. Let us hope that GEORGE MURPHY will not forget us, because we will not forget him. Let us also hope that he comes back frequently to visit. I wish him nothing but happiness in the years to come.

Mr. YOUNG of North Dakota. Mr. President, one of the most able, talented, and accomplished men in many fields of endeavor who has come to the Senate in many years is our good friend, Senator GEORGE MURPHY, the senior Senator from California.

As an Irishman who came up the hard way, Senator MURPHY exemplifies all that is likable, with his folksy and down-to-earth attitude toward all those he as-

sociates with. In his speeches and his personal contacts this trait is so evident. Because of his personality and his many exceptional talents, he became one of the most popular, loved, and respected figures in the entire entertainment field.

As a Senator, "Murph," as he is affectionately known, has established a truly fine reputation. He became interested in politics and government, with all their related issues, long before he came to the Senate. While here he has been a diligent, hard worker whose views on a wide range of subjects and issues are greatly sought after and highly valued.

Senator MURPHY is a man of strong convictions and one who puts up a determined fight for the things he believes in. There are few men who have left an impact on the Members of the Senate in one term or made as many friends as he.

Mr. President, the Senate of the United States will be the poorer for his departure. We need more Senators like GEORGE MURPHY, and not fewer. I want to join with all my colleagues in wishing his lovely wife, Julie, and "Murph" every happiness in all the years ahead.

SENATOR MURPHY SERVED WELL

Mr. RANDOLPH. Mr. President, GEORGE MURPHY, a man known to millions for his fine performances on stage and screen, might also be awarded an "Oscar" for his performance in the Senate. He was a conscientious member of the Senate Public Works Committee and is a helpful member of the Senate Labor and Public Welfare Committee. His interests run the spectrum of today's human conditions and problems, ranging from his service on subcommittees on education, aging, employment, and migratory labor, to the cosmic problems of air and water pollution.

He was, as a member of the Public Works Committee of which I chair, responsible for the so-called California amendment to the Air Quality Act of 1967. He was chief proponent of the amendment which for California alone waived Federal preemption on auto pollution standards which allowed California to continue to lead the Nation in regulating more stringent auto emission standards than prevail elsewhere. GEORGE felt this was necessary because of the peculiar atmospheric conditions existing in his State.

But there is another facet to this man to which I call attention. He has worked to help his abundant State in times of natural disaster. Here is a man who has met and conquered personal disaster, and through his efforts has helped achieve significant legislation on behalf of millions threatened by floods, mud slides, earthquakes, storms, and fires. He was cosponsor of the 1965 flood relief bill which became Public Law 89–41, and cosponsor of the National Disaster Relief Act of 1965.

GEORGE MURPHY, in his relatively brief service in the Senate, has brought to us an appreciation for his sincerity and humanity.

Mr. MATHIAS. Mr. President, when our distinguished colleague the senior Senator from California, appeared 40 years ago in the Broadway hit musical about politics. "Of Thee I Sing," I am sure he could hardly have anticipated that he would someday reverse the usual course of literary history and turn a theatrical fiction into a real political career.

Today, it is of Senator GEORGE MURPHY that we are proud to sing. After a distinguished career as an entertainer and businessman, he has made a distinctive mark on the U.S. Senate in the 6 years he has been with us.

All of us who are concerned about pollution of our environment are indebted to GEORGE MURPHY for his work in establishing the precedent that a State may establish higher antipollution standards than those imposed by federal law. The Murphy amendment to the Air Quality Act, granting California the right to continue setting its own rigid standards for controlling motor vehicle pollution, is already regarded as an important milestone in the effort to reclaim our ravaged environment. But the Murphy amendment is only illustrative of the many accomplishments of the distinguished Senator in the whole field of combatting air and water pollution and providing for the needs of his State. All Californians and indeed, all Americans, are in his debt.

Similarly, the Senator's efforts in the field of education, particularly in the development of new programs on dropout prevention, bilingual education and vocational education, have already been recognized in the presentation of the Distinguished Service Award of the National Education Association.

These are only a few of the many areas of legislation in which GEORGE MURPHY will be remembered. Many of us on this side of the aisle are also in his debt for his outstanding work for two years as chairman of the National Republican Senatorial Committee.

I am personally grateful to Senator MURPHY for his contribution as chairman of the Republican Senatorial Committee. His assessment of political currents and his guidance during a difficult period of party history was of particular value on our side of the aisle.

In 1940, the Academy of Motion Picture Arts and Sciences presented GEORGE MURPHY with a special Academy Award. Today, it is we and the Nation who owe GEORGE MURPHY an academy award in recognition of his service in the Senate.

Mr. MANSFIELD. Mr. President, those of us who have had the privilege of serving in the Senate for the past 6 years with the senior Senator from California (Mr. MURPHY) are well aware of his many fine qualities. He has served faithfully, with great dedication and with a good deal of ability. As a Senator he has been known particularly as a man of gentle and warm good humor and kindness—attributes which are always welcome in this body; attributes of which we need more.

On the committees he has served—the Labor and Public Welfare Committee and the Armed Services Committee—GEORGE MURPHY has discharged his duties with the greatest care and attention. He appreciates so well the many needs of the working man, having been long involved personally in the labor movement. He translated that interest into sound and constructive legislative proposals. On the Armed Services Committee he has endeavored always to understand and meet the security needs of the Nation.

The Senate will miss GEORGE MURPHY. In his term he achieved much for which he may be proud.

Mr. PASTORE. Mr. President, the fortunes of political war call for the retirement from this Senate of one who should be a partisan foe but is, indeed, a personal friend.

GEORGE MURPHY is one accustomed to applause at the finish of his act—and it is the hope of us all, Democrats and Republicans alike, that he will return "for bows" from time to time in the years that lie ahead.

We have delighted in the human interest success story of this singer, stepper, and statesman—the story of his life that he has compressed within the cover of a book—and we are glad to have shared the chapter that covers his days in the Senate.

Born on the Atlantic coast and based on the Pacific, I am sure that this All-American GEORGE MURPHY will retain his office as "Hollywood Ambassador"—and remind us to be grateful to the world of show business that has produced so able a colleague.

In these farewell remarks, I would like to borrow Senator MURPHY's own words in speaking in this Senate of another star of the entertainment world, Irving Berlin.

Senator MURPHY was defining the patriotism of this immortal composer. I feel that it describes the patriotism of our friend from California. These are his words:

His was a patriotism to be proclaimed unashamedly, accompanied by blares of trumpets and ruffles of drums, to all lands.

His was a patriotism neither too sophisticated to shed tears nor too faint hearted to shed blood.

It is the kind of patriotism which the purveyors of alien philosophies among us try by ridicule and innuendo to kill.

Such patriotism seems to find less acceptance in these strange days of ultrasophistication, noninvolvement and dissent.

But thanks to men like Irving Berlin, it is not dead—and I can prove it. Just listen, once again . . . to "God Bless America."

You will see what I mean.

We see what you mean, Senator MURPHY, and we know you mean it from your heart of hearts.

May the future hold all happiness and health for you and yours.

Mr. MCINTYRE. Mr. President, a man came out of California who I had never met but who I felt I knew because, as had millions of Americans, I had seen time and time again when I went to the movies for relaxation and entertainment.

And now, after serving with him here in the Senate for 6 years I have found that he excels in whatever he does. He was a great movie star. He has been a great Senator.

I have gotten to know GEORGE MURPHY well. I have served with him on the Senate Armed Services Committee and you get to know a man when you serve with

him on a committee with the great responsibilities that committee has.

But then GEORGE served also with me on the Subcommittee on Research and Development of the Senate Armed Services Committee which I have the honor of chairing. Each year we are called upon to look into hundreds of proposals which form the base for the future strength of our national defense. GEORGE has been diligent in his efforts and a valued member of the subcommittee.

This year the President asked for the factfinding group of Members of the Senate, the House, and Governors to go to Southeast Asia to report to him their views on developments there. GEORGE and I were privileged to be chosen for this trip. For a week he and I examined our efforts in South Vietnam and Cambodia. I observed firsthand his tremendous interest in what was taking place, his concern for our future in Southeast Asia, his compassion for those who are giving so much for our Nation in that far off place in the world. I liked what I saw.

May I wish for my friend GEORGE MURPHY all the best for the future. He has given fully of himself to our entertainment and national well-being. I am sure he will do the same in the future with equal success in whatever pursuits he undertakes.

Mr. THURMOND. Mr. President, the year 1964 was not a good year for the Republican Party. Due primarily to an unprecedented campaign of distortion and vilification in the news media, BARRY GOLDWATER was badly defeated in his campaign for the Presidency.

Throughout the Nation, with the exception of the South, Republican candidates suffered severe losses, and a large number of able public servants were removed from office. In California, as in the rest of the Nation, Republicans did not fare well. The Democratic candidate for U.S. Senator enjoyed the favor of the liberal press, and the added prestige of having been a close associate of the Kennedy family. The political pro's were certain that a Democrat would win the race.

The Republican candidate also possessed several characteristics widely considered handicaps. Although he had a long record of distinguished service to the people of his State and to the Republican Party, he was best known as a successful actor and entertainer. The experts were certain the voters would reject this "song and dance man," as he was called.

Mr. President, the pro's and the experts were wrong. The insurmountable obstacles were overcome, and Senator GEORGE MURPHY took his seat in the U.S. Senate. The skill, the ability, and the great dedication shown by Senator MURPHY were such that the idea that a a person was excluded from service in high public office because of being an actor was quickly laid to rest. There is no question that the success of Ronald Reagan in his campaign for Governor of California in 1966 can be attributed in no small part to the fact that Senator MURPHY pioneered the way in 1964.

In paying tribute to my good friend and colleague, GEORGE MURPHY, it is perhaps inappropriate to dwell solely on his political activities: There are so many other qualities about this man that deserve accolades and recognition. One immediately thinks of the courage and determination shown by Senator MURPHY when faced with serious surgery, and a long and difficult recovery. Ironically, had Senator MURPHY not proven to the Senate that public address systems could be used with dignity, and in an atmosphere of decorum, we probably would not have adopted such a system for general use as early as the 91st Congress.

In addition to personal courage, Senator MURPHY possesses the courage of his convictions. He is a patriot, and a man of conservative political persuasion. He has never swerved from his beliefs for temporary advantage, because he knows true public service lies in honest representation of the people.

Mr. President, I have been privileged to serve with Senator MURPHY on the Armed Services Committee, and there have been two qualities which I have observed in Senator MURPHY that have impressed me greatly. First, Senator MURPHY understands the threat posed by communism to the world's peace and security. He has a thorough working knowledge of the principles and practices of this dangerous ideology, and this knowledge has served him well in his work in the Senate. Second, Senator MURPHY has consistently shown a sound and thorough understanding of the defense needs of our Nation. At a time when anything connected with the military is subject to public abuse, Senator MURPHY has been firm in his support of a strong and adequate defense for America.

Mr. President, I have also been impressed with Senator MURPHY'S consistent position against the excessive spending which has been responsible for piling up our Nation's largest debt to date. Senator MURPHY has supported sound appropriations but has never been one to countenance waste, extravagance, and giveaways of the taxpayer's funds.

Mr. President, in summary, Senator MURPHY has shown the ability, versatility, the knowledge, and the courage to make an outstanding Member of the U.S. Senate. The Senate will miss Senator MURPHY, and I personally shall miss serving with him. He has been a good Senator, and a good friend.

Mr. CASE. Mr. President, nothing that any of us can say at this time or at any time can properly put into words the sheer pleasure that our association with GEORGE MURPHY has given us during his service with us in the Senate.

On a personal basis, quite regardless of our varying ideological positions, it has been enormously satisfying to enjoy his friendship and his companionship in these busy years.

For us in New Jersey, GEORGE MURPHY has a special place in our hearts since much of his early life, including his years at the Peddie School in Hightstown, was spent in and near our State. We have many friends in common, from our youthful days, in the areas of both public life and athletic life in which his early prowess was so outstanding.

If we were not sure that we will still be seeing a good deal of GEORGE in the future, it would be harder for us to say goodbye now. With that assurance we have to console ourselves for the loss of day-by-day association with a warm and friendly man and an honest and forthright colleague.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Routine morning business, with a 3-minute limitation on statements, is now in order.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

METROPOLITAN POLICE DEPARTMENT BAND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of calendar No. 1530, H.R. 9551.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9551) to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police Force, and the White House Police Force to participate in the Metropolitan Police Department Band, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 1, after the enacting clause, insert:

TITLE I—AMENDMENTS WITH RESPECT TO THE POLICE FORCE BAND

At the beginning of line 5, strike out "That the" and insert "Section 101. The"; on page 2, line 19, after the word "the", strike out "White House Police force" and insert "Executive Protective Service"; in line 23, after the word "appropriations", insert "and which was renumbered as section 4 by such section 5 repealed by this paragraph"; and, at the top of page 3, insert a new title, as follows:

TITLE II—ALEXANDRIA WATERFRONT CESSION

SEC. 201. All right, title, and interest of the United States of America in and to that portion of land along the waterfront of the city of Alexandria, in the State of Virginia, as described in section 202 hereof, is ceded and granted to the said city of Alexandria.

SEC. 202. The land ceded and granted is adjacent to the shoreline of the Potomac River at Alexandria, Virginia, bounded on the west by the mean high-water mark as it existed on January 24, 1791, and a boundary

line beginning at the center line of Second Street as now located, at its point of intersection with the mean high-water mark as it existed on January 24, 1791, on the Virginia side of the Potomac River, thence to the established bulkhead line, at its closest point to the northerly end of the Alexandria pierhead line as described in section 101 of the Act of October 31, 1945, which established the boundary line of the District of Columbia and the Commonwealth of Virginia (ch. 443, title I, 59 Stat. 552), thence in a southerly direction along the said bulkhead line to a point which is 176.58 feet south of the extension of the southerly line of Gibbon Street as now located, thence in a westerly direction from said point 176.58 feet south of the extension of the southerly line of Gibbon Street and parallel to said southerly line of Gibbon Street to the aforesaid January 24, 1791, high-water mark line.

SEC. 203. As to the property described in section 202 only, section 102 of the Act of October 31, 1945, is amended by striking out the colon and inserting a period in lieu thereof and by striking out the words "Provided, however, That concurrent jurisdiction over the said area is hereby reserved to the United States".

SEC. 204. That portion of the Potomac River lying between the bulkhead line and the Virginia shore as described in section 202 is hereby declared to be deemed nonnavigable both in fact and in law within the meaning of the Constitution and laws of the United States, and nothing in such Constitution and laws as now in force and effect or as hereafter amended shall be deemed to prevent the erection and maintenance of permanent improvements from the shore to the established bulkhead line, in the bed of the hereinbefore described portion of the river or on land filled thereon or recovered therefrom, provided such filling shall be approved by the Department of the Army before any such filling is begun.

SEC. 205. The aforesaid grant shall not become effective unless and until the city of Alexandria accepts the provisions thereof.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

WATERSHED WORK PLAN, CLEAR CREEK WATERSHED, SAUNDERS COUNTY, NEBR.

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the watershed work plan for watershed protection and flood prevention, Clear Creek Watershed, Saunders County, Nebr. (with an accompanying document); to the Committee on Agriculture and Forestry.

FOURTH ANNUAL REPORT ON THE HIGH SPEED GROUND TRANSPORTATION ACT OF 1965

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the activities carried out under the High Speed Ground Transportation Act of 1965, as amended in 1968 (with an accompanying report); to the Committee on Commerce.

REPORT SHOWING INFORMATION ON PERMITS AND LICENSES FOR HYDROELECTRIC PROJECTS

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report showing information on the permits and licenses for hydroelectric projects issued by the Federal Power Commission during the fiscal year ended June 30, 1970; financial statements of proceeds derived from licenses issued by authority of the Federal Power Act; and the names and compensation of persons employed by the Commission during that period (with an accompanying report); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in financial statements of the Emergency Credit Revolving Fund of the Farmers Home Administration, Department of Agriculture (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overstatement of contract target costs for F-1 rocket engines for the Saturn V launch vehicle, National Aeronautics and Space Administration, dated December 30, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT, AMISTAD RECREATION AREA, TEX.

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Marine Recreation, Inc., will be authorized to continue to provide accommodations, facilities, and services for the public at Diablo East Site within Amistad Recreation Area, Tex. (with accompanying papers); to the Committee on Interior and Insular Affairs.

ANNUAL REPORT ON ADMINISTRATION OF THE FEDERAL METAL AND NONMETALLIC MINE SAFETY ACT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the administration of the Federal Metal and Nonmetallic Mine Safety Act for the year ended December 31, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

LABOR INSPECTION IN AGRICULTURE

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, in accordance with the obligations of the United States as a member of the International Labor Organization, the texts of ILO Convention No. 129 and Recommendation No. 133, concerning Labor Inspection in Agriculture (with accompanying papers); to the Committee on Labor and Public Welfare.

WATERSHED WORK PLANS

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for watershed works of improvement in the States of Alabama, Texas, and Virginia (with accompanying documents); to the Committee on Public Works.

PETITIONS, ETC.

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A letter, in the nature of a petition, from the Marion Lake Boat Owners Association, Inc., of Dallas, Oreg., presenting factors relating to Marion Lake and proposed methods of action in having it removed from the Mt. Jefferson Wilderness; to the Committee on Interior and Insular Affairs.

A report of the Social Disorder and Generation Gap Study Committee, of the Legislature of the State of Georgia, relating to the so-called generation gap; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Henry Stoner, of York, Pa., praying for strict adherence to the Constitution relating to the swearing in of Senators; to the Committee on the Judiciary.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 322. An act to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes (Rept. No. 91-1521);

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes (Rept. No. 91-1522);

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes (Rept. No. 91-1523);

H.R. 14233. An act to modify ammunition recordkeeping requirements (Rept. No. 91-1524);

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers (Rept. No. 91-1525);

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit (Rept. No. 91-1526);

H.R. 18549. An act to amend sections 902 (b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met (Rept. No. 91-1527);

H.R. 19113. An act to provide for the free entry of a 61-note castbell carillon and a 42-note subsidiary castbell carillon for the use of Indiana University, Bloomington, Ind. (Rept. No. 91-1528);

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves (Rept. No. 91-1529);

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities (Rept. No. 91-1530);

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions (Rept. No. 91-1531);

H.R. 19526. An act to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals (Rept. No. 91-1532);

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers (Rept. No. 91-1533);

H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968 (Rept. No. 91-1534);

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income (Rept. No. 91-1535);

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until

the close of December 31, 1973 (Rept. No. 91–1536);

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return (Rept. No. 91–1537); and

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation (Rept. No. 91–1538).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty (Rept. No. 91–1539);

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara (Rept. No. 91–1540);

H.R. 17917. An act to amend the Tax Reform Act of 1969 (Rept. No. 91–1541);

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969 (Rept. No. 91–1542);

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber (Rept. No. 91–1543);

H.R. 18693. An act to amend section 165(1) of the Internal Revenue Code of 1954 (Rept. No. 91–1544);

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954 (Rept. No. 91–1545); and

H.R. 19881. An act entitled "Consolidated returns of life insurance companies" (Rept. No. 91–1546).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PART III" (S. REPT. NO. 91–1547)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "The Impact of Crime on Small Business—Part III," concerning theft and pilferage losses in maritime cargo shipments. I ask that the report be printed.

The PRESIDING OFFICER (Mr. SCHWEIKER). The report will be received and printed.

EXECUTIVE REPORTS OF A COMMITTEE

Mrs. SMITH. Mr. President, from the Committee on Armed Services I report favorably the nominations of 75 flag and general officers in the Navy and Air Force. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Vice Adm. Ralph L. Shifley, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Rear Adm. Charles S. Minter, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Col. Harold A. Strack, Regular Air Force, and sundry other officers, for promotion in the Regular Air Force.

Mrs. SMITH. Mr. President, in addition, I report favorably 152 appointments in the Marine Corps in the grade of second lieutenant. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Arthur A. Adkins, and sundry other Naval Reserve Officer Training Corps cadets, for permanent appointment in the Marine Corps, in the grade of second lieutenant;

Donald P. Amiotte, and sundry other persons of the Navy enlisted scientific education program, for permanent appointment in the Marine Corps, in the grade of second lieutenant; and

Thomas G. Arndt, and sundry other graduates (platoon leaders class), for permanent appointment in the Marine Corps, in the grade of second lieutenant.

A BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 4606. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to the disposal of excess and surplus personal property, and for other purposes; to the Committee on Government Operations.

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

S. 4606—INTRODUCTION OF THE FEDERAL PROPERTY AMENDMENTS ACT OF 1970

Mr. METCALF. Mr. President, during the past few years there has been much discussion of national priorities. Such discussion is all for the good if it leads to the identification of the priorities and steps to reach essential goals.

Two areas which have become indisputably acknowledged as worthy of top national concern are education and health. The needs for improved and expanded educational and health facilities are almost unlimited. To meet these needs, we must reallocate our resources.

Today I introduce a bill to help do so. The bill would insure full use of public property, including military property, for public purposes, and would be a source of financial relief at a time when State, county, and municipal governments are caught in a serious financial squeeze.

We have generously provided for the military needs of this Nation. Military procurement actions with business firms for work in the United States from fiscal year 1951 through 1969 have amounted to $507.7 billion. I ask unanimous consent to include at this point in my remarks a table entitled "Negotiated and Advertised Procurement Actions," from the "Economy in Government Property Management—Procurement of Data Processing Equipment" report of the Subcommittee on Economy in Government hearing of July 1, 1970. This table shows the year-by-year expenditure which makes this total of over one-half trillion dollars. And, this neither includes all military procurement actions nor expenditures for salaries and other military requirements nor those of NASA, AEC, and other military-related agencies.

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

NEGOTIATED AND ADVERTISED PROCUREMENT ACTIONS

TABLE 10.—NET VALUE OF MILITARY PROCUREMENT ACTIONS, WITH BUSINESS FIRMS FOR WORK IN THE UNITED STATES, CLASSIFIED BY METHOD OF PROCUREMENT, FISCAL YEARS 1951–69

[Dollar amounts in millions]

Fiscal year	Total net value	Formally advertised procurement		Negotiated procurement	
		Amount	Percent	Amount	Percent
1951	$30,823	$3,720	12.1	$27,103	87.9
1952	41,482	4,479	10.8	37,003	89.2
1953	27,822	3,089	11.1	24,733	88.9
1954	11,448	1,789	15.6	9,659	84.4
1955	14,980	2,386	16.0	12,544	84.0
1956	17,750	2,815	15.9	14,935	84.1
1957	19,133	3,321	17.4	15,812	82.6
1958	21,827	2,115	14.3	18,712	85.7
1959	22,744	3,089	13.6	19,655	86.4
1960	21,302	2,978	14.0	18,324	86.0
1961	22,992	2,770	12.0	20,222	88.0
1962	26,147	3,412	13.1	22,735	86.9
1963	27,143	3,538	13.0	23,605	87.0
1964	26,221	3,889	14.8	22,332	85.2
1965	25,281	4,660	18.4	20,621	81.6
1966	34,026	5,147	15.1	28,879	84.9
1967	39,809	5,621	14.1	34,188	85.9
1968	39,487	4,784	12.1	34,703	87.9
1969	37,331	4,391	11.8	32,940	88.2
Total, 1951–69	507,698	68,992	13.6	438,705	86.4

Source: "Military Prime Contract Awards and Subcontract Payments or Commitments, July 1968 to June 1969," Office of the Secretary of Defense.

Note: Negotiated procurements for fiscal year 1969 were 88 percent of total awards to business firms in the United States; this was about the same as for the previous year.

Mr. METCALF. Mr. President, it is obvious that military procurement actions of this magnitude monopolize tax moneys which might otherwise be available for other national necessities, including education and health. It is no wonder that State, county, and municipal governments are in sorry plight and that pleas are emanating almost daily for help from the Federal Government for grants, subsidies, and the latest cure—tax sharing.

Without exploring these matters at this time, I point out that the excesses of military procurement, waste and inefficiency could provide unwittingly a great source of help for our beleaguered education and health institutions. The military agencies have in store some 4 million items which cost nearly $50 billion. In addition, they have about $120 billion worth of other supplies and equipment of all kinds at home and abroad. From these great inventories come $4 to $5 billion in surplus property annually, and the volume is sure to increase with the deescalation of military activities around the world. I would expect that the declaration of military excess personal property would run from $5 to $10 billion annually for some years to come. What kind of property is involved? Everything from nuts and bolts to cars, jeeps, aircraft, shirts, and shoes. Some is new, some is used, but much of it is usable and needed by schools, colleges, and universities and for purposes of health and civil defense.

The Constitution wisely vested in the Congress the control over public properties. Specifically, the Constitution reads:

The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or any particular State.

In the exercise of this authority, the Congress as the representative of the people, with knowledge of the Nation's needs and priorities, has on several occasions determined it to be in the public interest that public property, which is found to be surplus to the actual needs of the Federal agencies, be donated through designated state agencies to support education, health, and civil defense functions in the States and territories.

The Federal Property and Administrative Services Act—Public Law 152 of the 81st Congress as amended—provides the basic authority for these donations. In fiscal 1970, personal property acquired at a cost of $310.6 million and real property valued at $38 million was received by States under this program.

There is a clear need to establish exactly the intent of Congress with respect to the disposal of more than $300 million of Federal property annually.

I have found that many activities, through one means or another, have been able to achieve a higher priority than the three programs—education, health, and civil defense—which Congress has expressly designated to receive surplus property. Some agencies have contrived several ways to trade and sell property and get the receipts to augment already large appropiations.

During the 20 years that the donable program has been in effect, administrative regulations and procedures have become so complicated that the program is in part self defeating. Energy and expense at both the Federal and State levels are wasted on administering a program which needs all possible resources in generating useful and needed property and distributing it equitably to the thousands of eligible institutions with a minimum of delay, paperwork, and expense.

So, I am introducing a bill which has the dual purpose of making excess Federal property available for purpose of education and health while at the same time relieving the current donable program from time-consuming and vitiating encumbrances which have grown around it during the past 20 years. I do not consider this bill as the final word. Rather it is a starting point for hearings and a genuine reevaluation of the current program as we approach a critical period in our educational and health programs and in governmental finance, and while we are faced with a tremendous supply of surplus property much of which is being diverted to purposes other than those intended by the Congress.

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

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

The bill (S. 4606) to amend the Federal Property and Administrative Services Act of 1949 with respect to the disposal of excess and surplus personal property, and for other purposes, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 4606

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

SEC. 2. Section 202(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)) is amended by inserting the paragraph designation "(1)" immediately after the subsection designation "(a)", and by adding at the end thereof the following new paragraph:

"(2) Under such regulations as he may prescribe, with the approval of the Director of the Office of Management and Budget, the Administrator may transfer without cost (except for costs of care and handling) for use in any State for purposes of education or public health, or for research for either such purpose, to a State agency designated under State law for the purpose of distributing, in accordance with section 203(j) of this Act, all property allocated under that section, any excess personal property which is not transferred in accordance with paragraph (1) of this subsection within 90 days after a report with respect to that property has been made pursuant to clause (2) of subsection (b) of this section and which is usable and necessary for those purposes. The Secretary of Health, Education, and Welfare shall determine whether such excess property is usable and necessary for those purposes and shall allocate such excess property in accordance with paragraph (3) of section 203(j) of this Act. After a period of 30 days after such a report has been made, any excess property not disposed of in accordance with this subsection may be disposed of as otherwise provided by law. As used in this paragraph, the term 'State' has the meaning given thereto by paragraph (6) of section 203(j) of this Act."

SEC. 3. Section 203(j)(5) of that Act (40 U.S.C. 484(j)(5)) is amended by striking out the figures "$2,500" and inserting in lieu thereof the figures "$5,000".

ADDITIONAL COSPONSORS OF BILLS

S. 4463

At the request of the Senator from Washington (Mr. MAGNUSON), the Senator from Nebraska (Mr. CURTIS), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 4463, to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortage.

S. 4644

At the request of the Senator from Washington (Mr. MAGNUSON), the Senator from Nebraska (Mr. CURTIS), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 4464, to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad and their car furnishing subsidiaries in acquiring such general service railroad rolling stock.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 30, 1970, he presented to the President of the United States the enrolled bill (S. 1181) to provide for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

ADDITIONAL STATEMENTS OF SENATORS

CRUEL AND CYNICAL

Mr. AIKEN. Mr. President, yesterday's Baltimore Sun had an excellent editorial on what it labels the cruel and cynical Christmas weekend prisoner of war production by North Vietnam.

I ask unanimous consent that it be inserted in the RECORD at this time.

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

WAR PRISONERS

North Vietnam continues to exploit the prisoner-of-war issue to the utmost, playing upon human sympathies, toying with the emotions of the men's families in the United States, seeking to widen political divisions that already exist here and, all the while, attempting to picture its own actions as humane and even generous. This is a cruel, synical performance and the remarks of the prisoners, made under the heavy hand of censorship for broadcast outside North Vietnam, must be considered as an element in the production of a calculated effect.

It is good to know that some of the prisoners are well, and the assurances thus given the families of these men are welcome indeed. But this series of prisoner episodes during the Christmas season must be recognized for what it is—a cruel and cynical production by North Vietnam.

THE POWER PROBLEM, IN THREE PARAGRAPHS

Mr. METCALF. Mr. President, we are indebted to the Wall Street Journal for summing up, in three paragraphs, what is wrong with the electric power industry.

The Journal covered the address—2 days after the November election—of Donald S. Kennedy, chairman of Oklahoma Gas & Electric. He spoke to the New York Society of Security Analysts.

Mr. Kennedy revealed that his company's earnings this year would be "almost too good." It might have to issue new common stock to dilute the per-share showing. In truth, the company is faced with an embarrassment of riches.

Mr. Kennedy further revealed that the Governor-elect in Arkansas "was going to appoint a couple of fair commissioners." No more of those "crusaders appointed by Rockefeller."

Mr. Kennedy may have difficulty reporting on his company's political activities. But he knows its results, 2 months before inauguration of the man who will appoint utility commissioners suitable to his utility.

Mr. Kennedy did report on some of his political activity.

We're working now on making that rate (which the TVA pays) higher.

There may be some persons who are not aware of the political role of Oklahoma Gas & Electric and other investor-owned utilities in TVA ratemaking. The reasoning of these IOU officials is simple. It is difficult for them to explain why electric power purchased from Oklahoma IOU's costs half again as much as power marketed in Tennessee through TVA. So instead of reducing their "almost too good" profits they arrange to have people served by TVA pay more. That way the IOU's would not look so bad by comparison.

Mr. President, this is the same Donald Kennedy who headed the Edison Electric Institute, trade association of the investor-owned utilities. It is the same Donald Kennedy who patted himself on the back with proxies of his absent stockholders, by voting those proxies in support of the inspired motion to commend his company's management for promptly disposing of antitrust settlements with equipment manufacturers who had been convicted of price-fixing. By getting those settlements quickly settled an embarrassing matter was resolved. There was less likelihood of customers pressing the company to remove the overpriced equipment cost from the company's rate base.

Mr. President, I came across the Wall Street Journal article in the Federal Power Commission News Digest. It is one of the best and most inexpensive consumer publications printed by the U.S. Government. It is simply a verbatim reprint of articles dealing with energy and regulation which appear in some of the major dailies.

You can learn more about the power business reading the FPC News Digest—subscription price $6 per year—than from McGraw-Hill's new Washington newsletter, which costs $190 per year. That $190 is beyond consumers but of no consequence to utility subscribers.

They can include the subscription in the operating expenses which are passed on to the consumers.

FPC News Digest does not require the information specialists, film, projectors, flip charts and other paraphernalia of many other information programs. All it requires to produce is a pair of scissors and perhaps a pot of glue. At $6 per year, it may produce revenue as well as information. I am sure that its annual production cost is less than the cost of the afternoon presentation by a bevy of colonels from the Department of Defense who came over to tell me about the economic impact of the ABM in my State of Montana.

FPC News Digest provides current information on utility matters, as opposed to the moldy statistics produced by other offices of the FPC. For example, the FPC would not publish its 1969 comparative statistics for 1969 until 1971. By that time it will be too late for most customers to use the 1969 data, to their benefit, in the rate cases, now in progress, which utilities base on 1969 data available only to them.

One might suppose that President Nixon and Mrs. Knauer, his consumer adviser, would be promoting the FPC News Digest, and suggesting that it be expanded to include some of the articles appearing in the Philadelphia Inquirer, the St. Petersburg Times, the St. Louis Post-Dispatch, and the San Francisco Bay Guardian. But alas, the FPC News Digest is about to become a victim of President Nixon's economy drive.

Last month he told Federal agencies to cut back on their information budgets. On November 18 the FPC responded to his request. It announced its plans "to discontinue the News Digest effective October 1, 1971, as an economy measure."

I have suggested to FPC Chairman Nassikas that he and his colleagues reconsider their decision to do away with this little consumer-oriented publication. I doubt seriously that the Nation's economy will falter because of the Digest's continuance. And I think all of us who deal with energy and regulation will be better equipped for our chores if we read it.

Mr. President, in conclusion let me emphasize that in considering the many aspects of the energy crisis we should not be diverted from its essential ingredients. They are, as indicated above, first, an arrogant, myopic, politically powerful industry; second, a ludicrously lopsided, industry-oriented regulatory system; third, complaisant regulators; and fourth, an inadequately informed public.

Mr. President, I ask unanimous consent to insert in the RECORD the November 5, 1970, article to which I have referred.

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

OKLAHOMA GAS & ELECTRIC EXPECTS 1970 EARNINGS TO RISE CONSIDERABLY

NEW YORK.—Oklahoma Gas & Electric Co. will have 1970 earnings of at least $1.70 a share, up from $1.49 a share in 1969, when the utility had net income of $24.3 million on revenues of $130.1 million, Donlad S. Kennedy, chairman, said in an interview. Mr. Kennedy said the earnings would be "almost too good" and said the utility had considered issuing new common stock to dilute the per-share showing. This couldn't be done before the end of the year, however, he said. Many utilities believe rapid earnings growth may cause regulatory commissions to demand cuts in rates charged to customers. But in an appearance before the New York Security Analysts, Mr. Kennedy indicated he expects the regulatory climate to improve in Arkansas, where the utility takes about 8% of its revenue, due to the election defeat Tuesday of Gov. Winthrop Rockefeller.

"The Arkansas commission had a couple of crusaders appointed by Rockefeller, so I was sort of glad to he got beat," Mr. Kennedy said, adding that he understood the newly elected governor, Dale Bumpers "was going to appoint a couple of fair commissioners." Mr. Kennedy said Oklahoma Gas & Electric (which sold its gas business in 1927) hasn't any plans to seek rate increases in Arkansas or the other state in which it operates, Oklahoma. Rising fuel costs will have minimal effect of the utility's performance, he indicated, since the regulatory commissions in both states allow automatic rate increases under "fuel adjustment clauses when fuel prices go up."

Rate adjustments under the fuel adjustment clauses this year "represent about $4 million in revenue to our company, Mr. Kennedy said." Mr. Kennedy also said about $5 million of the utility's revenue this year is from sales of electricity to other utilities including a large portion to the Tennessee Valley Authority. "We sold a lot of economy power to TVA at rates below which they could produce it themselves, Mr. Kennedy said. "That may seem strange but they did have some problems with their coal shortage. We thought they were taking a free ride." Mr. Kennedy added, "We're working now on making that rate (which the TVA pays) higher."

SAM EIG, DEVELOPER AND HUMANITARIAN

Mr. MATHIAS. Mr. President, Sam Eig makes things happen. Over 50 years ago, following his arrival in Washington from Russia, the 19-year-old Eig sold his first piece of real estate for a $1,000 profit. Today, his real estate ventures total over $100 million and include the Washingtonian Motel and Country Club, a Montgomery County landmark. But Sam Eig has not restricted his energies solely to his business ventures, but has played an important role in the development and welfare of his community. Fortune magazine has cited Mr. Eig as—

One of the ten men in the U.S. who has made outstanding contributions in their fields of endeavor to their communities.

He has also received honorary citations from Pope Paul, the Methodist Union, and numerous Maryland synagogues for his community service. Maryland magazine has printed a personality profile on this distinguished Maryland man who makes things happen and I ask unanimous consent that the article be printed in the RECORD.

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

SAM EIG: DEVELOPER AND HUMANITARIAN

A man who made his first real estate profit at the age of 19 over 50 years ago in Washington now stands in the middle of his 600 acres in Gaithersburg and points with pride to a 26-story wonder.

Sam Eig is proud not only of the imposing Washingtonian Towers—believed to be the only high-rise of its type in the world—but of the nearby Washingtonian Motel and Country Club, a landmark in Montgomery County. The Towers, standing alone in the middle of an 18-hole championship golf course, features a penthouse complete with laundry and card rooms and a three-state view.

His real estate ventures, which now total over $100 million, began when he first came to this country 54 years ago from Russia and located in Washington, D.C. At that time there were less than 400 people in Silver Spring and 200 in Gaithersburg. Young Sam not only had the foresight to envision the tremendous growth potential of the area but the courage to take risks and buy land. "People thought I'd go broke," he recalls.

After purchasing his first property, Sam Eig learned he was under age to handle real estate, so he had to sell it, but made $1,000 profit. Several years later he advised a neighbor to buy a farm in Montgomery County and one day he'd be rich. The man did so for $8,500, and 19 years later sold it for $200,000 cash, to his old friend Sam Eig.

It hasn't always been easy, developing a successful business while raising a family which includes two sons and 11 grandchildren. "A lot of people take things for granted, but it didn't come easy," Mr. Sam says, recalling that the Washingtonian began as a motel.

A day at the office for Sam Eig includes making several rounds of the restaurant, strolling through each room, chatting with customers and staff. He obviously enjoys meeting people and his remarkable memory can recall names, faces and incidents from many years past, years filled with numerous achievements and recognitions.

Fortune Magazine has cited Sam Eig as "one of ten men in the U.S. who has made outstanding contributions in their fields of endeavor to their communities . . ." He has received honorary citations from Pope Paul, the Methodist Union and numerous area synagogues for his community service. Land donated has included sites for a Catholic Church, Methodist Church, Montgomery County Jewish Center, YMCA, Silver Spring Boys' Club and the Chevy Chase Red Cross Building. He is a founder of Camp Echo Lake for underprivileged children and has headed a U.S. Savings Bond drive and United Givers Fund campaign for the Greater Washington area.

Mr. Sam has been cited by the Montgomery County Board of Realtors as a man whose "life is dedicated to action, accomplishment, achievement." In addition, he has served on the board of one and as an officer of another area bank; and several years ago he was named "Maryland's Granddad of the Year."

Utilizing his foresight, Mr. Sam predicts that within the next decade the triangle just south of the Washingtonian Towers will be the most important piece of land in Montgomery County.

Sam Eig, with more than a half century of service to his fellowman behind him, attributes his success to the fact that he "never lost faith in the U.S., and kept going."

His fellow-realtors in Montgomery County explain simply why Sam has been so successful: "He makes things happen."

SUMMARY OF ACTIVITIES OF THE COMMITTEE ON FOREIGN RELATIONS, 91ST CONGRESS

Mr. FULBRIGHT. Mr. President, the legislative history of the Committee on Foreign Relations during the 91st Congress somewhat resembles an iceberg. Few of the significant developments of this period appear in the itemized list of measures approved by the committee which is appended to my remarks. Most of the committee's efforts were devoted to redefining the constitutional relationships between the executive and legislative branches in the field of foreign policy.

For many years the role exercised by the Committee on Foreign Relations was that of the unquestioning advocate of policies and programs submitted to the Senate by the executive branch of the Government. Regardless of the political complexion of the executive or the Congress, the committee—albeit with minor exceptions—tended to go along with the "facts" presented, the analysis of those facts, and the policy conclusions drawn therefrom by the administration. Unquestioningly the committee accepted executive branch judgments on what should be secret, what should be executive agreements, and where troops should be sent in foreign lands. The inquiring attitude was lacking. The emphasis in the Senate's role in "advise and consent" was on consent. In short, for many years the committee got along with the executive branch of the Government because it went along.

This role has been changing. The committee has become aware that it is no service to the Nation to accept without question judgments made by the executive. Indeed, many of our current difficulties might have been avoided if we had taken time to stop, look, and listen.

The executive is fallible, just as is the Congress. It was in recognition of that human frailty that our constitutional forebears provided for a separation of powers and induced a bit of the adversary proceedings into relationsips between the executive and legislative branches of the Government.

The committee has during this Congress for the first time in decades sought to exercise a truly independent critical judgment of proposals on foreign and defense policy matters. The cozy relationship has been replaced by questions.

Senator SYMINGTON put the constitutional roles of the executive and the Senate very clearly in his final report on security agreements and commitments abroad. He wrote:

> Although the Constitution makes the President Commander-in-Chief and gives him authority to negotiate treaties and nominate Ambassadors, his role is not that of sole determination of foreign policy, but of conducting foreign policy.
>
> The role of the President in foreign policy is limited by the specific constitutional powers of the Congress, including not only the appropriation of funds and the Senate function of advice and consent, but also the regulation of commerce with foreign nations, the definition and punishment of offenses against the law of nations, declarations of war and interventions abroad, the raising and support of the armed forces, the making of rules and regulations for the government of those forces, and provision for the common defense and general welfare of the United States.
>
> Significantly, in addition to the congressional powers enumerated above, the Constitution reinforces the role of the Congress by giving it the authority and mandate:
>
> "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." (Art. I, Sec. 8.)
>
> Frequent assertions by government officials and commentators that the President determines foreign policy do not make it so, nor do these assertions amend the Constitution; and if this Government is to function with success under that document, the Congress must constantly keep in mind its own constitutional authority.

The work of the Committee on Foreign Relations in reasserting the constitutional role of the Senate in the determination of foreign policy has been immensely assisted by the majority leader, Senator MANSFIELD. His constant emphasis on the oversight duty of committees has strengthened the policy reviews which the Committee on Foreign Relations has undertaken. Senator MANSFIELD's influence and leadership have made the Senate a truly democratic institution—an institution in which the judgments of nonelected foreign policy and military leaders have been tested in free debate and the results are beginning to be evident as we rearrange our priorities and as we cut the cloth of foreign and defense policies to meet the needs and capacities of the people.

Senator AIKEN, with the support of his Republican colleagues on the committee, has been a strong and consistent supporter of the new "show me" approach the committee has developed toward a wide range of foreign policies.

The new role the committee has assumed during this Congress is illustrated by such examples as the following:

First. The extension of the Spanish base agreement was symptomatic of the new attitude of the committee. Disclosure in February last year that Defense Department officials were conducting negotiations with Spain for the renewal of the about-to-expire base agreement suggested that important new commitments were under consideration. The committee took an interest in this matter in order to make sure that foreign policy considerations were given their due weight and to protect the prerogatives of the Senate. In five executive sessions spaced over a year—March 1969 through April 1970—the executive branch became fully acquainted with the committee's views, including its concern that the proposed commitments in this agreement partook of the nature of a treaty.

Unsuccessful in its efforts to convince the executive that the agreement should have been submitted to the Senate as a treaty, nevertheless, a resolution by Senator CHURCH (S. Res. 486) made it clear that the Senate does not view the agreement as a commitment to Spain on the part of the United States.

Furthermore, the persistence of the committee in asserting its role brought out facts of national interest which heretofore would have been withheld from the public.

Second. The Symington Subcommittee on Security Agreements and Commitments Abroad made a singularly effective contribution to the ability of the full committee and the Congress to exercise independent judgments on foreign and defense policies heretofore accepted almost without question. In spite of what could be labeled obstructionist tactics on the part of some administration officials, the subcommittee produced ten volumes of hearings on our security commitments and agreements abroad. But its work is measured not by volume but by its recommendations which deserve the most careful study and attention by the Executive and the Congress.

Third. The Nonproliferation Treaty approved early in the session bore significantly on the SALT talks. If successful they could result in a new treaty requiring Senate action. There has been a vigorous effort by the Foreign Relations Committee and its Arms Control Subcommittee to keep informed of what was going on. But, shrouded in mystery, the administration has thus far been less than forthcoming in its lack of communication on this subject and seemingly unaware of the future role the Senate must assume should a treaty be signed.

Fourth. Early in the Congress the committee reported the "national commitments" resolution. That resolution was drafted in 1967; it was nonpartisan; and it was not directed at any particular administration. It was instead the culmination of a growing awareness that the constitutional powers of the Senate had eroded over many years at the hands of the Executive. What it said in effect was that the Senate would no longer acquiesce virtually without question to administration foreign ventures, Republican or Democratic, and that national commitments could only be made through constitutional processes—namely, laws and treaties. The resolution was adopted by a vote of 70 to 16 in June 1969.

Fifth. In a move to be helpful to the administration and strengthen the role of the State Department the committee suggested in early 1969 that the Secretary of State present Congress each year with a posture statement, similar to that submitted by the Department of Defense. That suggestion apparently stimulated the President's foreign policy report to Congress in early 1970—a practice which should be continued, hopefully with more detail and specifics to come from the Department of State.

Sixth. The Church-Cooper amendment in its several variations had its genesis in the committee's concern at the incursion into Cambodia in May 1970. Desiring to prevent a wider U.S. involvement in the war in Indochina, the military sales authorization bill of 1970 was amended to prohibit the involvement of American combat troops, advisers, or mercenaries into Cambodia—thus broadening an earlier limitation on sending American combat troops to Laos or Thailand. Although the military sales bill did not become law, an amendment to the Foreign Aid Supplemental Act of 1970 sponsored by Senators COOPER and CHURCH was enacted and represents a strong reassertion of the constitutional duty and power of the Congress to keep our foreign military commitment and involvement under legislative control.

Seventh. Several hearings have been concerned with military involvement in foreign policy. In addition to those on the Spanish base issue, the study of U.S. security commitments and agreements abroad, and hearings on the ABM and related weapons systems, there were hearings on chemical and biological warfare, U.S. military policies and programs in Latin America, underground weapons tests, ocean space, and on Vietnam—all of which had substantial military aspects and all of which underscored the deep relationship between our defense policy and our foreign policy.

Eighth. Illustrative of the more thorough examination of executive branch facts and proposals has been the committee reaction to information supplied by the executive which has sometimes been incomplete or so highly classified that in its sanitized form it was virtually useless. To augment its sources and broaden its knowledge, the committee has occasionally sent members of its staff to collect information abroad from official and private sources and thereby enable the committee to make an independent assessment of situations in problem areas.

In past decades treaties were the main fare of the Committee on Foreign Relations. But times change. Not only does the committee have legislative responsibilities broader than in the past, but the earlier committee role of acquiescence in executive proposals has led to a deterioration in the use of treaties as a means of concluding significant agreements. Thus, the committee's record on treaties is more noteworthy for omissions than approvals, a situation the new committee approach may change.

Nevertheless, it is interesting to reflect that of the 27 treaties submitted by the present administration, 10 had been negotiated by previous administrations—one indeed by the Coolidge administration—another eight were routine bilateral extradition, double taxation, and consular conventions; five were concerned with trivia; one terminated a 1914 canal route treaty; and only three could be said to be breaking some new ground—those dealing with oil pollution on the high seas.

In fact, I voted "present" on one of the treaties, not because I was against it on the merits—it involved a minor payment to Canada for flood control benefits—but because I wanted to register my opposition to the shabby use of the treatymaking process. The significant U.S. commitments that should be studied and debated by the Senate, were not submitted as treaties. Perhaps, as with the Congress' power to declare war, the shared treaty-making process is becoming atrophied. During the last Congress, the Senate approved 42 treaties; during this Congress the score is 20. And of these 20 treaties, which are listed in the summary at the end of my remarks, only one is worthy of special note—the Nonproliferation Treaty submitted by the Johnson administration.

In conclusion, I should note that Secretary Rogers, despite some reluctance to engage in public dialog with the committee on foreign policy issues, has shown understanding of our desire to exercise an independent judgment on these vital foreign policy issues. Unlike the previous administration, the present administration did not object to the national commitments resolution, or to repeal of the Tonkin Gulf and similar resolutions. It has attempted to meet the Committee's criticism with respect to bestowing the personal rank of Ambassador or minister on large numbers of persons not subject to confirmation. These are examples of improved give-and-take between the committee and the administration. I hope they will set a pattern of new cooperative relationships for the 92d Congress.

The committee does not seek domination of foreign policy as some have suggested. It is searching for means to establish a balance between the executive and legislative branches of the Government. The constitutional balance which has been lost is largely the result of a half century of wars when there has been a premium of quick, decisive, autocratic action. It is hard for a democracy to survive in time of war.

Gibbon wrote in the "History of the Decline and Fall of the Roman Empire," that the "principles of a free constitution are irrevocably lost when the legislative power is dominated by the executive."

I believe the American people sense this, and the Senate is beginning to reflect that good sense.

I ask unanimous consent that background material relevant to this report to the Senate be printed at this point in the RECORD.

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

SUMMARY OF ACTIVITIES OF COMMITTEE ON FOREIGN RELATIONS, 91ST CONGRESS

TREATIES APPROVED DURING 91ST CONGRESS

1. Treaty on the Non-Proliferation of Nuclear Weapons. Approved March 13, 1969 by a vote of 83 to 15.

2. Convention on Offenses and certain other acts committed on board of aircraft. Approved May 13, 1969 by a vote of 93 to 1.

3. Convention Establishing the World Intellectual Property Organization. Approved February 28, 1970 by a vote of 70 to 0.

4. Paris Convention for the Protection of Industrial Property. Approved February 28, 1970 by a vote of 70 to 0.

5. Agreement between the United States and Mexico concerning radio broadcasting in the standard broadcasting band. Approved June 19, 1969 by a vote of 89 to 0.

6. Agreement between the United States and Mexico concerning the operation of broadcasting stations in the standard band during a limited period prior to sunrise and after sunset. Approved June 19, 1969 by a vote of 89 to 0.

7. Text of two notes constituting an agreement between the United States and Canada providing for the temporary diversions from the Niagara River for power production purposes. Approved May 13, 1969 by a vote of 94 to 0.

8. Convention on Conduct of Fishing Operations in the North Atlantic. Approved October 22, 1969 by a vote of 80 to 0.

9. Vienna Convention on Consular Relations and Optional Protocol Concerning the Compulsory Settlement of Disputes. Approved October 22, 1969 by a vote of 81 to 0.

10. Consular Convention between the United States and Belgium. Approved November 10, 1969 by a vote of 71 to 0.

11. Agreement between the United States and Canada concerning adjustments in the flood control payments by the United States as a result of early completion of dams under the Columbia River Treaty. Approved November 10, 1969 by a vote of 67 to 3.

12. Protocol to the International Convention for the Northwest Atlantic Fisheries relating to panel membership and regulatory measures. Approved March 19, 1970 by a vote of 78 to 0.

13. Convention on the Privileges and Immunities of the United Nations. Approved March 19, 1970 by a vote of 78 to 0.

14. Agreement between the United States and Canada relating to the operation of radiotelephone stations. Approved May 27, 1970 by a vote of 79 to 0.

15. Treaty on extradition between the United States and New Zealand. Approved May 27, 1970 by a vote of 79 to 0.

16. Supplementary Extradition Convention with France. Approved September 21, 1970 by a vote of 66 to 0.

17. Double taxation convention with the Netherlands. Approved November 25, 1970 by a vote of 76 to 0.

18. Double taxation convention with Trinidad and Tobago. Approved November 25, 1970 by a vote of 76 to 0.

19. Double taxation convention with Finland. Approved November 25, 1970, by a vote of 76 to 0.

20. Double taxation convention with Belgium. Approved November 25, 1970, by a vote of 76 to 0.

BILLS AND JOINT RESOLUTIONS APPROVED DURING THE 91ST CONGRESS

1. S. 856, to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States. Approved May 27, 1970. Public Law 91–269.

2. S. 3127, to provide for the exchange of governmental official between the United States and the U.S.S.R. Passed Senate April 20, 1970.

3. S. 3274, to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Approved July 31, 1970. Public Law 91–369.

4. S. 3430, Peace Corps Act Amendments of 1970. Approved July 29, 1970. Public Law 91–352.

5. S. 3544, to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. Approved May 14, 1970. Public Law 91–246.

6. S. 3691, to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers. Passed Senate, June 22, 1970.

7. H.R. 33, to provide for increased participation by the United States in the International Development Association. Approved May 23, 1969. Public Law 91–14.

8. H.R. 6240, to amend the act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.", approved December 21, 1950. Approved October 22, 1970. Public Law 91–493.

9. H.R. 11039, Peace Corps Act amendments of 1969. Approved October 29, 1969. Public Law 91–99.

10. H.R. 11711, to amend sec. 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba. Approved December 24, 1969, Public Law 91–157.

11. H.R. 14580, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions. (Foreign Assistance Act of 1969). Approved December 30, 1969. Public Law 91–175.

12. H.R. 14789, to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System. Approved February 28, 1970. Public Law 91–201.

13. H.R. 15069, to authorize the Thousand Island Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River, at or near Cape Vincent, N.Y. Approved November 2, 1970. Public Law 91–520.

14. H.R. 15628, to amend the Military Sales Act, as amended. Passed House March 24, 1970. Passed Senate June 30, 1970. In conference.

15. H.R. 15728, to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes. Approved December , 1970. Public Law 91–

16. H.R. 19012, to amend the Foreign Service Buildings Act, 1926 to authorize additional appropriations. Approved Public Law 91–

17. H.R. 18306, to authorize U.S. participation in increases in the resources of certain international financial institutions (IMF, IBRD, ADB, IDB), to provide for an annual audit of the Exchange stabilization Fund by the General Accounting Office, and for other purposes. Passed House, September 1, 1970. Conference report agreed to by both Houses on December 22, 1970.

18. H.R. 19911, Special Foreign Assistance Act of 1970. Passed House December 9, 1970. Passed Senate, December 16, 1970. Conference report agreed to by both Houses on December 22, 1970.

19. S.J. Res. 90, to enable the United States to organize and hold a Diplomatic Conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and to authorize an appropriation therefor. Approved December 24, 1969. Public Law 91–160.

20. S.J. Res. 127, authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., in 1971. Passed Senate, February 17, 1970.

21. S.J. Res. 131, to welcome to the United States all Olympic athletes and authorized Olympic Delegations. Approved February 3, 1970. Public Law 91–191.

22. S.J. Res. 162, in recognition of the Fifth International Conference on Water Pollution Research. Passed Senate March 19, 1970.

23. S.J. Res. 173, authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States. Passed Senate July 10, 1970.

25. H.J. Res. 746, to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History. Approved July 17, 1970. Public Law 91–340.

26. H.J. Res. 1077, to amend the joint resolution authorizing appropriations for the payment by the United States of its share of expenses of the Pan American Railway Congress Association. Approved December 16, 1970. Public Law 91–553.

27. H.J. Res. 1162, to amend Public Law 80–403 of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission. Passed Senate December 21, 1970.

CONCURRENT AND SENATE RESOLUTIONS APPROVED DURING 91ST CONGRESS

1. S. Con. Res. 15, to print as a Senate document studies and hearings on the Alliance for Progress. Passed Senate, April 3, 1969. Passed House April 29, 1969.

2. S. Con. Res. 64, to repeal the Gulf of Tonkin Resolution. Passed Senate July 10, 1970.

3. S. Con. Res. 85, authorizing the printing as a Senate document of a compilation of the hearings on United States security agreements and commitments abroad.

4. H. Con. Res. 454, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front. Passed House December 15, 1969. Passed Senate February 18, 1970.

5. S. Res. 64, to provide for a study of matters pertaining to the foreign policy of the United States by the Committee on Foreign Relations. Agreed to February 17, 1969.

6. S. Res. 65, to authorize the Senate to respond to official invitations received from foreign governments or parliamentary bodies and associations. Agreed to February 17, 1969.

7. S. Res. 85, expressing the sense of the Senate relative to commitments to foreign powers. Agreed to June 25, 1969.

8. S. Res. 179, expressing the sense of the Senate that the United States should participate in and offer to act as host to the 1972 United Nations Conference on the Human Environment. Agreed to November 10, 1969.

9. S. Res. 205, to set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments. Agreed to September 25, 1970.

10. S. Res. 211, seeking agreement with the U.S.S.R. on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles. Agreed to April 9, 1970.

11. S. Res. 318, to provide for a study of matters pertaining to the foreign policy of the United States by the Committee on Foreign Relations. Agreed to February 16, 1970.

12. S. Res. 399, relating to the creation of a World Environmental Institute to aid all nations of the world in solving environmental problems of both national and international scope. Agreed to October 9, 1970.

13. S. Res. 469, to express the sense of the Senate on the Agreement of Friendship and Cooperation between the United States and Spain. Agreed to December 11, 1970.

14. S. Res. 474, expressing support for the new U.S. peace initiative. Agreed to (without reference to Committee), October 8, 1970.

15. S. Res. 484, expressing the sympathy of the Senate to the President and people of Pakistan. Agreed to (without reference to the Committee), November 19, 1970.

16. S. Res. 486, relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam. Agreed to December 19, 1970.

LEGISLATIVE REVIEW AND STUDIES (PRINTED HEARINGS) DURING 91ST CONGRESS

1. Strategic and foreign policy implications of ABM systems (including anti-submarine warfare and MIRV). Hearings, March 6, 11, 13, 21, 26, 28, May 14, 16, 21, June 23, July 16, 1969.

2. Spanish base negotiations. Executive sessions, March 11, April 2, and 14, June 5, 1969; April 22 and July 24, 1970. Public hearing, August 26, 1970.

3. United States relations with Peru. Hearings, April 14, 16 and 17, 1969.

4. Chemical and biological warfare. Hearing, April 30, 1969.

5. Psychological aspects of foreign policy. Hearings, June 5, 19, and 20, 1969.

6. United States military policies and programs in Latin America. Hearings, June 24 and July 8, 1969.

7. Activities of nations in ocean space. Hearings, July 24, 25, 28, and 30, 1969.

8. American Institute for Free Labor Development. Hearing, August 1, 1969.

9. Underground weapons tests. Hearing, September 29, 1969.

10. U.S. Security Commitments and Agreements Abroad. Hearings: The Philippines, September 30, October 1, 2, and 3, 1969. Laos, October 20, 21, 22, and 28, 1969. Thailand, November 10, 11, 12, 13, 14, and 17, 1969. China, November 24, 25, and 26, 1969; May 8, 1970. Japan and Okinawa, January 26, 27, 28 and 29, 1970. Korea, February 24, 25, and 26, 1970. Ethiopia, June 1, 1970. Greece and Turkey, June 9, 1970. Spain, July 17, 1970. Morocco and Libya, July 20, 1970.

Report: Security Agreements and Commitments Abroad, December 21, 1970. (Committee Print.)

11. Rockefeller report on Latin America. Hearing, November 20, 1969.

12. Vietnam. Hearings: Briefing, November 18 and 19, 1969. Vietnam Policy Proposals. February 3, 4, 5, and March 16, 1970.

Vietnam Policy and Prospects, 1970. February 17, 18, 19, 20, March 3, 4, 17, 19, 1970.

Impact of the War in Southeast Asia on the U.S. economy. April 15, 16, 28, 29, May 13, 19, June 2 and August 13, 1970.

Moral and Military Aspects of the War in Southeast Asia. May 7 and 12, 1970.

13. ABM, MIRV, SALT, and the Nuclear Arms race. Hearings, March 16, April 8, 9, 13, and 14, May 18, and 28, June 4 and 29, 1970.

ECONOMIC OUTLOOK FOR 1971

Mr. PERCY. Mr. President, recently Mr. Beryl W. Sprinkel, senior vice president and economist of the Harris Trust and Savings Bank of Chicago delivered an address at the University of Chicago's Outlook Forum on the economic outlook for 1971.

Mr. Sprinkel feels that inflation is at last yielding to economic policies of the

Government as money has been squeezed and sensitive commodity and industrial material prices are down while wholesale prices are now rising at a much reduced pace.

He further does not feel that union wage rates or the Federal deficit will cause further serious inflation in 1971. Although wage rates are rising, unit labor costs are rising less rapidly this year than in the prior 4 years. He would be worried about the Federal deficit if it was occurring at a time of full employment of labor and capital resources but 1971 saw no real growth in the economy at all. He feels that the recession we are in at the present time needs some stimulus from government fiscal policy. However, he does not advocate a full-blown attempt to stimulate the economy without paying heed to inflation. Rather, a moderate growth pace keeping down inflation is preferable to that of a faster growth rate with the possibility of fueling inflation once again. Because of his prestige as one of our Nation's most influential economists within the banking field he anticipates restrained capital spending, a possible rise in profits due to improved productivity and high volume, a sharp rise in housing and a rapid rise in GNP and a stronger bond as well as equity market. He points with alarm to rising protectionism at home, a decrease in our international competitive position abroad due to domestic inflation. He expresses the hope that 1971 will represent only the first installment of greater prosperity for us all.

Mr. Sprinkel's comments I believe will be of general interest to my colleagues as well as leaders in the fields of business, labor, education, as well as government, and I ask unanimous consent that the full text of his speech be printed in the RECORD at this point.

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

VIGOROUS GROWTH AND REDUCED INFLATION IN 1971

(By Beryl W. Sprinkel)

OUR STAKE IN STABLE ECONOMIC POLICIES

Once again it has been vividly demonstrated that volatile policies promote economic instability. Overly expansive monetary-fiscal policies from mid-1965 through 1968 resulted in accelerating inflation as rising demands for both "guns and butter" exceeded production increases. Inflation has always been a monetary phenomena, i.e., too much money, and the pattern of the recent past was no exception. In 1969 and early 1970 monetary policy tightened as more concern over inflation was evidenced by the public at large as well as policy makers. Today we are acutely aware of the economic costs imposed by a tighter monetary stance designed to slow inflation. Inflation is at long last being brought to heel even though disbelief abounds. But it is far from certain that we will avoid repeating the gross policy excesses which were responsible for a half decade of instability.

The reasons usually given for expecting serious inflation in the year ahead are two: (1) Union wages are rising rapidly and sharp increases in unit labor costs will mean renewed inflationary pressures; and (2) The Federal deficit is increasing sharply and will add to inflation. Both arguments are intuitively appealing but largely wrong under present circumstances. Union wages, which lagged in the early phase of this inflation, are catching up but nonetheless unit labor costs are rising much less rapidly this year than in the prior four years. Improving productivity is a major factor accounting for this remarkable phenomena. In each year of recovery following the four prior postwar recessions, unit labor costs declined and the same forces will be in evidence in the year ahead. A Federal deficit is indeed inflationary if it occurs at a time of full employment of labor and capital resources and the deficit is financed with *new money*. Shortly, unemployment will be slightly above 6% of the labor force and utilization of manufacturing capacity will be below 75%. Measured differently, the economy's capacity for real growth increased at least 4½% in the past year or so, but no real growth occurred. Therefore, resource utilization is now the lowest since 1961. Finally, if monetary policy adheres closely to the avowed objective of encouraging stable and moderate growth in the money supply, the looming deficit will be financed largely by savings, not new money.

The direct evidence on the inflation front is encouraging. While much attention is concentrated on union wage rates, which are usually the last segment to reflect reduced inflation, encouraging evidence does abound. (1) Money has been squeezed and the economy is in a recession as expected a year ago. Inflations are cooled only by slowing the economy. (2) Sensitive commodity and industrial material prices are down while wholesale prices are now rising at a much reduced pace. Even the late moving consumer price index is now rising less rapidly except for the recent aberration, which is expected to be temporary.

But we are being counseled by "fine tuning" policy addicts that we should abandon the inflation battle and launch an all-out effort to restore full employment of resources by mid-1972—a highly laudable but unrealistic objective! The 4½ year time span which was required from 1961–1965 to restore full employment of resources can be readily shortened but not to 1½ years. Such efforts would presumably involve a sharp increase in Federal job creating expenditures plus a much more rapid rise in the money supply. In other words, they are proposing that we again launch the destabilizing *go-stop* economic policies of the recent past and avoid taking full advantage of the less inflationary environment developing from the current recession. A longer run perspective strongly suggests lower average unemployment and maximum growth will result from a monetary policy of stable and moderate growth in the money supply. Resumption of excessively easy policies similar to those extending from 1965–1968 would create accelerating inflation in 1972 with renewed pleas to get it under control, followed by another bout with tight money and unemployment. Hopefully, policymakers will ignore the siren call of the inflationists!

THE 1971 CONTOUR

Although the current recession has lasted longer than the four prior postwar recessions, it has been relatively mild. GNP rose 5% this year but inflation accounted for all of the rise. Unemployment averaged 5% compared to only 3.5% last year and the eventual peak rate will be moderately above 6%. Industrial production averaged about 3% below last year but the decline from the peak month in 1969 was over 7%. Corporate profits after taxes, which had been essentially flat since 1965, declined over 9% this year. The trend in the economy was downward throughout the past 13 to 14 months.

The business contour is expected to be exactly the opposite in 1971 with lows being shortly established, followed by a period of continuous expansion. The major impetus to demand growth in the year ahead will be the recent and prospective increases in the money supply. According to recently revised data; the money supply increased at a 5.5% annual rate in the first ten months of this year and continued growth at near this rate is expected in coming months. Since the low in February, the monetary growth rate has been 6.3%, a growth rate that, if continued, flirts with renewed inflation in 1972. Although money works with a lag, it works with power and certainty. The proper analogy is not "pushing on a string" but rather "shoving on a ramrod"! The average lag between monetary expansion in a recession and recovery is 9 months and that time is now. In addition, leading indicators of economic activity have recently rallied. Since indicators have a much shorter lead on the upside than does the money supply, recent strength suggests that a rise in economic activity is imminent.

But whence the strength? Consumers are gloomy and businessmen are depressed after continuous downward revisions of their previously optimistic expectations. Unemployment is spreading and profits are being squeezed. But history can provide some perspective. It always looks the darkest at the trough of the economy and only by focusing on early moving series can a turn in events be anticipated. Consumers have greatly improved their financial status in the past year. Disposable income rose sharply despite the recession and the savings rate soared to 7½% of income. Liquid savings rose significantly and debt expansion declined sharply. Durable purchases were deferred but they will be restored in the year ahead.

Capital spending will be restrained in response to the recent profit squeeze combined with growing excess capacity. Although profits are likely to rise substantially during the year due to improved productivity plus higher volume, the stimulus to capital spending is likely to work with a substantial lag. Spending on housing will rise sharply, however, as increased availability of private money as well as further improvement in asset values and continued demographic pressure stimulate housing starts.

In general, GNP is expected to rise rapidly in the year ahead with a fourth quarter 1970 to fourth quarter 1971 increase of about 9%, yielding a total of 1 trillion, 50 billion dollars, or up 7.4% for the year. In the next four quarters real GNP is expected to increase 6%, while the GNP price deflator rises only 3%. However, compared to all of 1970, real GNP will increase only 4% while prices average 3.4% higher. Unfortunately, unemployment tends to log an upturn so the peak is yet to be reached. But a decline should be under way in a few months. Even so, unemployment is expected to average 5.4% with the possibility of a 5% rate late in the year. Productivity improvement, a normal labor force increase, and a reduction in armed forces promote growth in capacity but will delay a return to full employment. The breakdown in the $1,050 billion GNP is projected as follows: Consumption, $665 billion, up 7.8% or $48 billion; Gross Private Domestic Investment, $146 billion, up 7.4%; Federal Spending, $100 billion, remaining unchanged; State and Local Outlays, $135 billion, up a substantial 11.5%; and Net Exports, $4 billion, about the same.

FINANCIAL MARKETS' REVIVAL

Although the recession has been mild in GNP and employment terms, it was severe as measured by the depression in financial markets. Although most short-term interest rates peaked in early 1970, long-term rates soared to new highs following the Cambodian invasion which generated short-run uncertainty and renewed inflationary expectations.

Recently both short and long-term interest rates have declined sharply although the spread remains unsustainable. In a basic sense, the declining trend in interest rates reflects the previously tight monetary policy which induced the current recession. Reduced economic activity resulted in dampened de-

mand for funds even though the liquidity squeeze created a voracious appetite for long-term money. A continued gradual reduction in inflationary expectations is expected to result in a further significant decline in long-term rates even though short-term interest rates should stabilize once the recovery gets under way.

Prospects for bond prices are favorable but the outlook for the battered equity market is probably even better. The conditions for continuation of the presently unheralded bull market are excellent. (1) Monetary policy is expansive and likely to remain so. Bull markets thrive in such an environment as investors strive to exchange growing liquidity for income and growth. (2) Declining inflationary expectations will further reduce long-term interest rates which have recently been a major competitor for the investor's dollar. (3) Corporate profits are on the verge of a major upward move reflecting both increased sales and striking improvements in productivity. In contrast to serious capital losses which characterized 1969 and the first half of 1970, further capital gains are in prospect, assuming of course that threats of wider wars continue to diminish.

But all is not serene on the international dollar front. After nearly two decades of deficits in the U.S. balance of payments, no near-term correction is discernible. The U.S. current account surplus rose to over $4 billion this year due to the recession which restricted growth in imports. But despite onerous controls on capital flows abroad, U.S. capital accounts remain in deficit and the decline in U.S. interest rates threatens further deterioration.

The causes of our deficit are readily apparent. With only a few exceptions, numerous exchange rate adjustments since World War II have been against the dollar. Furthermore, in recent years the very serious U.S. inflation has further decreased our international competitive position. Clearly, the dollar is now over-valued relative to several major world currencies, including the mark and yen. This condition, along with the recession, is contributing to rising protectionism at home which seriously threatens a worldwide trade war. Devaluation of the dollar in terms of gold offers no solution as exchange rates would probably remain unchanged since foreign currencies are pegged to the dollar, not gold. Re-evaluation of major currencies relative to the dollar would ameliorate our deficit but the initiative remains abroad and foreign governments are reluctant to incur the resulting domestic political ire. In the meantime, the U.S. will continue to spew dollars abroad. Eventually re-evaluation will become necessary unless we move toward even greater restrictions and controls. A fixed exchange rate system has clearly demonstrated its incompatibility with independent national economic policies. Greater flexibility of exchange rates would permit international adjustments without the need for tariffs, quotas, capital controls and other devices which restrict the free flow of goods, services and capital. Canada and Germany recently led the way toward a more flexible and viable international monetary system but other nations have not followed. Inevitably, further currency crises are in store unless the fixed exchange rate system is altered. Perhaps the only justifiable note of optimism concerning international monetary developments stems from the fact that the dollar remains the world's major trading currency and its longer term strength is now being fortified by the waning domestic inflation as well as by more serious inflation abroad.

In conclusion, 1970 was not my kind of business year. Let us hope that policy makers avoid excessively expansive monetary-fiscal policies which could rekindle inflation by 1972 and foster a repeat performance of retrenchment. A stable hand on the monetary tiller, rather than the highly touted "incomes policy," is our best bet for stable economic growth. 1971 would then represent only the first installment of greater prosperity for us all.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. ERVIN. Mr. President, I regret to see the able and distinguished senior Senator from Delaware (Mr. WILLIAMS) retire from this body. On one occasion, when the American Good Government Society bestowed upon Senator WILLIAMS its George Washington Award, I had the privilege of making the presentation remarks which preceded the bestowal of that award upon him. In the course of those remarks I said that he might be said to be the gadfly of the Senate. I said that because he had stunned the Senate into righteous action on many occasions and he had aroused the Senate to things which did exist but which ought not to have existed. For this reason he has been a most valuable public servant not only to the State of Delaware but to the Nation at large. Those of us who have learned to admire him for his rugged intellectual integrity and for his courageous action shall miss him very greatly as a Member of this body.

My wife wishes Senator WILLIAMS and Mrs. Williams, in their well-merited retirement, all of the good things which life can bring to them.

TRIBUTE TO SENATOR YOUNG OF OHIO

Mr. BROOKE. Mr. President, it is with regret that I salute the senior Senator from Ohio upon his retirement from this Chamber.

Many are the times when his has been the only voice raised in protest against a proposed course of action—and many are the times when he has been proven right. For 12 years in this body, and 8 years in the House, STEVE YOUNG has served with rare diligence and devotion to duty. With his departure, the Senate will lose a true and honest spokesman for the rights of individuals.

I regard STEVE YOUNG as a friend, and wish him a long and rewarding practice of the law.

JOINT UNITED STATES-JAPANESE TEXTILE PRODUCTION VENTURES IN JAPAN

Mr. TALMADGE. Mr. President, there appeared in Tuesday's edition of the Wall Street Journal a news article disclosing plans of three major Japanese and U.S. textile companies to organize joint ventures to produce textile products in Japan.

This represents still another manifestation of the tremendous gains that have been made by the Japanese textile industry, and the inroads that foreign textiles, principally from Japan, have made in the American market.

It becomes increasingly imperative that Congress act to control the flood of low-wage textile imports into the United States. We all know what has been taking place over the years. There are 2,400,000 Americans dependent upon the good health of the textile industry for their livelihood. But, because of excessive imports from Japan and other Far East countries, American textile workers have been losing their jobs at the rate of 100,000 a year.

We are not creating more textile jobs in the United States. We are being hard pressed to even protect the ones we now have and the fact is, we have been losing ground every year. As evidenced by this latest move by Japan, the Japanese textile industry is flourishing indeed. More and more textile jobs are being created in Japan, at low wages and under conditions that would be illegal in the United States. And the result will be that more and more Japanese textiles will continue to glut the American market, unless the Congress acts, and acts soon.

We are reconciled to the fact that the trade bill is dead for the time being, because of the lateness of the year. But it is not a dead issue. So far as I am concerned, the jobs of American people must never become a dead issue. It is incumbent upon the Congress to take action to protect American jobs in the textile industry and in every other industry. And, instead of exporting new jobs to foreign countries, we need to provide every incentive and stimulus to provide more jobs for Americans in the United States.

I am very pleased that hearings will be held early next year on a trade bill, and I hope that we can get action at the earliest possible moment.

Mr. President, I bring the Wall Street Journal article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objections, the article is ordered to be printed in the RECORD, as follows:

[The Wall Street Journal, Dec. 29, 1970]

JAPAN IS SAID TO BACK TEXTILE VENTURES THERE OF DOMESTIC, U.S. FIRMS

TOKYO.—Japan was reported to have decided to approve plans by three major Japanese textile companies to form joint ventures with U.S. firms to produce textile products in Japan.

The plans involve establishment of joint companies by Mitsubishi Rayon Co. and Burlington Industries Co.; by Kanega-Fuchi Spinning Co. and J. P. Stevens Co. and by Asahi Chemical Industry Co. and Clark Schwebel Fiber Glass Corp., Japanese press reports said.

The reports said Mitsubishi plans to establish an equally owned company with Burlington to produce about 2.5 million square meters of carpet a year. Kanega-Fuchi hopes to manufacture about 9.9 million square meters of glass-fiber textiles with J. P. Stevens. Kanega-Fuchi plans to own 55% of the proposed joint company and J. P. Stevens 45%, the reports said.

The Asahi Chemical-Clark Schwebel joint company is expected to produce about seven million square meters of glass-fiber textiles a year. The new company would be owned 51% by Asahi, 39% by Clark Schwebel and 10% by Fukui Seiren Kako Co., an Asahi subsidiary.

Clark Schwebel, a privately held weaver of fiber glass, headquartered in New York, said the joint venture with Asahi Chemical will have a minimum of $1.6 million capital and $3.6 million fixed assets. Plans are to build a 90,000-square-foot plant once official approval is received. J. P. Stevens and Burlington declined comment on the size or cost of their proposed plants.

The government made the decision, it's understood, because medium and small Japanese textile firms are ready to face competition from foreign firms. They added that the partners in the proposed joint companies are willing to comply with such government conditions as ownership ratio.

The Nihon Keizai Shimbum, a newspaper, said the government made the move in an attempt to solve the deadlocked textile negotiations between the U.S. and Japan.

OFFENSIVE WEAPONS

Mr. HUGHES. Mr. President, recent newspaper reports have suggested that the SALT talks are bogged down over the definition of "offensive weapons." Evidently, the Soviet Union considers American weapons "strategic" if they can hit the Soviet Union and this definition would include 500 U.S. fighter bombers in Europe. The American side considers such weapons less than strategic. The Soviet side does not consider the Soviet IRBM's and MRB's strategic since they cannot hit the United States but only Europe. Undoubtedly, the United States considers the Soviet medium range missiles as significant as the fighter bombers. In addition to these definitional problems, offensive weapons are very difficult to control in a treaty.

Two days ago, the Strategic Weapons Committee of the Federation of American Scientists suggested a way of avoiding this dilemma for the moment. It noted reports that the Soviet Union might agree to a treaty that simply limited missile defenses. The Federation urged the administration to try for an agreement on ABM's only—one precluding missile defenses or limiting them drastically.

It noted that both sides are less than eager to build missile defenses and that, with defenses banned, the urge for offensive weapons like MIRV, to penetrate defenses would be undermined. It noted the saving in resources such a treaty would bring. It suggested putting off the more difficult problems of limiting offensive weapons until later. And it noted that the treaty would provide no problems of onsite inspection, but could be inspected by national means only.

The Senate should examine this Federation document closely. The chairman of the Strategic Weapons Committee, Dr. Herbert Scoville, Jr., was Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy. Later he was Assistant Director of the Arms Control and Disarmament Agency under Presidents Kennedy and Johnson. He has unparalleled credentials to make these judgments on the arms race and on intelligence.

At its annual meeting last Sunday, the National Council of the Federation approved this document in its entirety. The Chairman of the Federation Council is Herbert F. York, former Director of Defense Research and Engineering under Presidents Eisenhower and Kennedy. Among the sponsors of the Federation are the Presidential Science Advisers to Presidents Eisenhower and Kennedy—Dr. Jerome B. Wiesner, George B. Kistiakowsky, and Nobel Prize winners Hans A. Bethe and Owen Chamberlain.

Mr. President, I believe the Federation of American Scientists' proposal is an important and informed contribution to the Strategic Arms Limitation dialog. I ask unanimous consent that the publication of their proposal be printed in the RECORD.

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

FAS CALLS FOR A NO-ABM AGREEMENT

The Federation of American Scientists (FAS) called today for a SALT agreement on ABMs only—one precluding missile defenses or limiting them drastically. Its Strategic Weapons Committee noted that, "According to press reports, only in the area of defensive strategic weapons, ABMs, have the Soviets been willing to agree with U.S. proposals". FAS argued for leaving "complicated and difficult" limitations on offensive weapons until later. Noting that a halt to ABM Deployment would "break the action-reaction cycle" and remove the incentive for much offensive weapons deployment, the Federation pointed to the "major economic savings" that would result from avoiding both ABM and the arms race spiral to which it would give rise.

The Federation statement, approved by its Executive Committee, was prepared by the FAS strategic weapons issues committee.[1] The Federation is a 25 year old national nonpartisan organization of 1800 natural and social scientists and engineers concerned with problems of science and society.

It also includes Dr. Marvin L. Goldberger and Dr. Morton H. Halperin. Dr. Goldberger was a member of the President's Science Advisory Committee from 1965–69, was for seven years Chairman of the Jason Division of the Institute for Defense Analyses and is now Chairman of the Department of Physics of Princeton University. Dr. Halperin was a Deputy Assistant Secretary for Policy Planning and Arms Control under President Johnson and a member of the senior staff of the National Security Council under President Nixon.

LIMITING ABMS

I. Negotiating background

Recent public reports from Helsinki, as the current phase of SALT came to an end, are spreading an atmosphere of gloom over the prospects for significant achievement at SALT. The Soviets are apparently reluctant to accept completely the US proposals made in July of 1970 and seem to have particular problems with regard to offensive weapons. While the negotiations grind on at a snail's pace, the arms race continues its rapid rise to higher and more dangerous levels.

According to press reports, only in the area of defensive strategic weapons, ABMs, have the Soviets been willing to agree with US proposals. This is a strange reversal from previous situations in which the primary Russian interest in strategic arms control had been limitations on offensive weapons. It was only after prolonged educational efforts on the part of US negotiators and scientists that the Soviets appeared to understand the destabilizing effects of ABMs. In view of the current Soviet attitude, consideration should be given to seeking an agreement to limit ABMs as a first step in SALT—leaving the more complicated and difficult limitations on offensive weapons to a later phase.

II. Value of ABM limitations

A halt on ABM deployment would, by itself, have a very significant effect in controlling the arms race. ABMs are the single most important system affecting strategic stability. While control of MIRVs is urgently needed to eliminate the threat to fixed land based systems, these weapons do not provide any threat to SLBMs, which cannot be targeted. Therefore, by themselves, they do not negate the total deterrent posture. ABMs, on the other hand, do create concerns on the viability of all types of missile systems. In particular, they are the only danger to submarine based missiles for the foreseeable future. The Soviet ABM was the primary rationalization for the US deployment of MIRVs, and the US decision to deploy ABMs in 1966 may well have been a strong factor in the Soviet decision to continue its deployment of SS–9s and, eventually, to develop multiple warheads for both SS–9s and SS–11s. Stopping ABM deployment would remove the incentive for many offensive deployments and break the action—reaction cycle. It should provide major economic savings and it would be in the US interest even without any controls on offensive weapons.

III. Security implications of a limitation on ABMs

Even if offensive weapons are not controlled, U.S. security would be improved by limitations on ABMs. If the Soviets have no ABMs or are limited to what they now have deployed, the viability of the U.S. Polaris-Poseidon component of the deterrent force would be ensured for the foreseeable future. Even if Soviet offensive deployment put the entire Minuteman and bomber forces in jeopardy, the U.S. could count on being able to retaliate with SLBMs. Only an ABM can threaten these weapons for at least the next ten years. Therefore, U.S. security would be improved greatly over that which would occur without any controls.

Furthermore, the U.S. has no strong security need for an ABM on its part. Secretary Laird has recently reported "preliminary indications that the Soviet Union may have recently started slowing somewhat the level of activity associated with SS–9 missile construction." Even if this is not so, a less expensive and more certain way of maintaining the U.S. deterrent than expanding Safeguard would be to insure that the SLBMs can reach their targets in the U.S.S.R. by an agreement to limit ABMs.[2] If at some point both the SLBMs and Minuteman deterrents became threatened, then some other solution than an ABM defense of Minuteman would be required. The need for an anti-Chinese ABM has now been largely discounted. The authorization for the thin area defense component of Safeguard was denied by the Congress in 1970 without strong objection by the executive branch, and the Administration indicated at that time that it was prepared to negotiate a complete ABM ban with the Russians.

[1] The Committee is chaired by Dr. Herbert Scoville, Jr., formerly Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy, and Assistant Director of the Arms Control and Disarmament Agency under President Johnson.

[2] It has been reported that there were no new SS–9 starts between August 1969 and May 1970 and less than 25 new starts since that date. In the spring Secretary Laird stated that the Russians had 280 SS–9s operational or under construction while now the number is reported still to be less than 300. Thus, the fears that the Soviets would increase their SS–9 force to 420 missiles with 3 MIRVs each, which prompted Secretary Laird to recommend the Safeguard in the first place, should now be considerably reduced. If this slowdown does not materialize, and they continue building ICBMs at their present rate, and if they deploy a MIRV on the SS–9, and improve their ICBM accuracy, both of which they are doing, then, as Secretary Laird has stated, the threat in the mid-70's would be much too large to be handled by the level of defense envisioned in the Safeguard system without substantial improvement and modification.

IV. Types of ABM limitations

1. Complete Ban

An agreement to ban ABMs completely would provide the greatest improvement to US security, would be most effective in controlling the strategic arms race, and would obviously involve the largest savings in scarce funds and resources. US security would not be threatened regardless of what happened in the offensive areas since the US would always have a secure deterrent from its SLBM force. These missiles, by themselves could clearly assure completely unacceptable destruction to the Soviet Union in a second strike and the ban on ABMs would remove any doubts that they could reach targets within the USSR. However, a complete ban might be difficult to negotiate since the Soviets already have a small, albeit ineffective, ABM system with 4 interceptors around Moscow. It might be difficult to persuade them to scrap this system in any limited agreement since the US would have no parallel ABM to dismantle.

2. National Capital Defense

A second alternative would be to Limit ABMs on both sides to the defense of the National Command Authorities (NCA), i.e., the national capitals Washington and Moscow. This would allow the Soviets to retain their presently deployed ABM and the US to build an equivalent system around Washington. Since such ABMs would be so limited in area coverage, they would not provide any threat to the deterrent of either nation and therefore no incentive for escalating the offensive arms race. However, in the case of the US, building even such a limited system would involve large expenditures of funds. To be even marginally useful the system would have to be quite different from the proposed Safeguard; furthermore, unless it was very much larger than the present Moscow system with its 64 launchers (which US authorities believe to be of little military value) it would not provide protection from a Soviet attack on Washington. A system with a total of only 64 Spartans and/or Sprints could be easily saturated or penetrated. (To allow larger systems and permit the Soviets to up-grade the present Moscow system would defeat the purpose of the limitation). Further, unless the command and control were continuously delegated to the operational level, it would only work during an alert under which circumstances it would be preferable to remove the President to another location. This type of defense would clearly be a tremendous waste of scarce funds, perhaps of the order of 10 billion dollars or more.

It is not clear what purpose the defense of the US National Command Authorities serves. It is inconceivable that the Soviets would risk national suicide on the chance that US would not retaliate because the US president and the military leaders in the Pentagon had been killed. If anything, retaliation would be more certain. The Soviets would surely consider retaliation more likely since the restraining hand of presidential authority would have been removed from the military finger on the trigger. Defense of the military command centers in Wyoming or Omaha makes even less sense since the Soviets must necessarily assume the existence of alternative communications channels between Washington and the retaliatory strategic force. Again, a total of 64 Spartans and Sprints (both must be counted) would not provide any useful defense. A National Command Authority ABM could only become an opening wedge for future demands for a larger system.

3. Freeze ABMs at Existing Status

This would leave the Soviets with their present Moscow ABM and the US with an advanced R&D program. While this asymmetry might be politically difficult to sell in the US, it would still be in the US security interest. The present Moscow system does not threaten the US and has been generally considered a Soviet mistake since all military authorities agree that it can be easily overcome even with existing US offensive forces. Such an agreement would involve major savings in US funds and would provide an important brake to the strategic arms race.

4. US Safeguard Phase I and Moscow ABM

If a freeze leaving asymmetries in deployed ABMs is politically unacceptable in the US, then an alternative agreement would permit the US to complete the Safeguard Phase I defense at two Minuteman sites, and the Soviets to retain their Moscow system. (Since, at present, the Moscow system has only 64 launchers, the US would have to reduce the planned Phase I deployment, or the Russians be allowed to add to their system if exact equivalence is to be maintained. But the latter would largely destroy the value of the limitation, since it would provide the Soviets with a very large ABM.) This type of agreement would not be destabilizing and might be more logical from a security point of view than the National Capital Defense although it would not provide any real protection to the US Minuteman. It could also be in operation at an earlier date and might provide some savings in funds. However, it would still be an expensive US attempt to match a Soviet mistake.

5. Other Types of ABM Limitations

Any other limitation on ABMs which still allowed the construction of a system with nationwide coverage would be of little value in limiting the strategic arms race. Any system which had broad radar coverage and had the potential for being expanded to provide protection to large portions of the population, would raise concerns over the viability of the deterrent and would only provide additional incentives for accelerating the deployment of offensive systems. An anti-Chinese ABM would have such a potential and would be destabilizing. While the presently authorized ABM protection of a few Minuteman sites would not have this potential, the complete Safeguard system would. However, a Soviet parallel to the Minuteman defense, i.e., an extensive defense of its ICBMs similar to Safeguard, would have the potential for nationwide coverage since Soviet ICBM sites are not all located in remote areas like the Minuteman, and would probably force counter action by the US and make an agreement of this type unsatisfactory. None of these other approaches would appear to provide any appreciable savings in funds nor any improvement in security. Therefore, consideration of ABM limitations would be restricted to the first four approaches.

V. Verification

Limitations on ABMs can be adequately verified by national means. The US has been able to observe the Soviet deployment of its present ABM system with a high degree of reliability for many years, prior to its becoming operational. Its effectiveness has also been relatively easy to determine. The US has reported on the cutback in the deployment program. Large and sophisticated radars, which are the key element in an ABM system which could threaten the US deterrent, are easily observable, require many years to construct, and must be frequently operated and tested if they are to have a useful capability. All of these factors makes verification of the ABM limitation relatively easy. While fears have been expressed that the Soviets might clandestinely upgrade their present air defense system to provide an ABM capability, it seems almost inconceivable that they could have a capability which could threaten even the US Polaris-Poseidon forces, when one remembers that as of the present time one does not even know how to build such an ABM system without any constraints. Certainly troops would have to be trained in this new system and radars operated. Opportunities for detection would be manifold.

VI. Conclusions

1. An ABM limitation together with controls on offensive systems such as MIRVs, large missiles and expansions or replacements of existing weapons, would be the most useful result of a SALT agreement. However, if such offensive limitations cannot be achieved, controls on ABMs alone would serve an extremely useful purpose. It would be better to agree to limit ABMs and leave the offensive weapons to a second stage than to have no agreement or one which provided only an illusion of limiting offensive weapons. The Federation of American Scientists has shown, in a press release of Nov. 2, that a ceiling on numbers of offensive systems without any restrictions on replacements is such an illusion. The incorporation of short range weapons systems (such as those based in Europe or on carriers) into the negotiations, as the Soviets are reportedly insisting on, could postpone an agreement at SALT indefinitely. A delay in limiting ABMs until all of the details on offensive limitations can be satisfactorily negotiated might make impossible even achieving an ABM limitation. US continuation of its Safeguard deployment and the resumption of Soviet ABM deployment might seriously jeopardize ever reaching a useful agreement.

2. An ABM limitation would improve US security by assuring for the foreseeable future the viability of SLBM deterrent force. It would remove the requirement for new, expensive, and dangerous offensive weapons programs designed to ensure penetration of Soviet ABMs and would produce significant savings in scarce resources.

3. The best procedure would be a complete ban on ABM in both the USSR and the US, but a freeze at their present status would still improve US security over a continued arms race. Limitation of ABMs to the defense of the National Command Authorities should not destabilize the strategic balance but would be a great waste of US resources. An alternative in which the US completed the Safeguard Phase I defense of two Minuteman sites and the Soviets kept their Moscow system might be a slightly better way of preserving symmetry if political considerations dictate some US ABM program.

SOCIAL SECURITY

Mr. YOUNG of Ohio. Mr. President, it is a happy personal recollection that in 1935 as Congressman at Large from Ohio, I voted to create the social security system. Also I remember with pride that in 1949 as Ohio Congressman at Large while serving on the Ways and Means Committee of the House of Representatives I participated in our work of expanding and liberalizing the social security law of our country granting coverage to more men and women and increasing payments to those already on social security rolls. In fact, I report with pleasure that a number of the amendments in the House of Representatives written into the social security law in 1949 liberalizing and expanding its benefits and coverage were first in my handwriting. Also we amended the law permitting workingmen and workingwomen to voluntarily retire at the age of 62 if they chose to do so, and their retirement payments were adjusted at a somewhat lower scale.

Social security from the outset has been an actuarially sound insurance system. In expanding and extending the benefits of social security, I recall that as president of the Cuyahoga County Bar Association, an association of some 1,900 Cleveland lawyers, our association was the first bar association in the Nation to adopt a resolution urging that self-employed lawyers be included within the social security system. Then a few days following the adoption of that resolution, I asked to testify as a witness before the Senate Finance Committee. I distinctly recall making the trip to Washington and testifying before the Senate Finance Committee as the only witness urging inclusion of self-employed lawyers under social security coverage. The distinguished junior Senator from Louisiana (Mr. LONG) was presiding and asked me a number of questions and expressed agreement with my views. Self-employed lawyers throughout the Nation were very shortly thereafter included under the coverage of our social security system. I am glad to report that of all professional men in the United States, physicians and surgeons were the last to be included under the beneficent provisions of this law. Those political doctors who constitute the house of delegates of the American Medical Association have over the years very inadequately represented the rank and file physicians and surgeons of our country. From the outset they denounced social security as State socialism and as a result, and properly so, physicians and surgeons were the last group of professional men given social security coverage. Those reactionary men constituting the house of delegates stood out for years against social security coverage for doctors notwithstanding that on referendums taken by many State medical associations an overwhelming majority of doctors polled time after time expressed their desire to be covered by social security.

In 1936 that Grand Old Party, of which I am not a member, adopted at its national convention a platform plank denouncing social security as State socialism and pledging repeal of this law. The Republican candidate for President that year, Gov. Alf Landon of Kansas, was a fine man. He carried only two States. Were any presidential candidate since that time to pledge if elected he would propose repeal of the social security law, he would not even carry one State.

The National Association of Manufacturers and the U.S. Chamber of Commerce, also termed social security as socialized medicine. Over the years, the National Association of Manufacturers and the U.S. Chamber of Commerce have been proven wrong on every issue affecting the welfare of American people.

The law which Congress enacted 35 years ago is the most humane and advanced social legislation in our Nation's history, the Social Security Act. The man who proposed this legislation and whose signature placed it on the statute books is dead. This is one of many imprints that Franklin D. Roosevelt left upon the pages of American history which will endure forever. I am very happy that during my first term as Congressman-at-Large from Ohio, I voted for and spoke in favor of creating the social security system.

Since passage of the Social Security Act of 1935, Congress has made changes in the act in keeping with fast-changing times. We have a duty to further expand and liberalize this program.

Mr. President, I hope and believe that Congress will increase the payments under our social security system to children, widows, disabled working men and working women regardless of their age, and payments to retired working men and working women 10 or 15 percent and make such increase commence as of January 1, 1971. We have already voted on this in the Senate and hope for action from the other body.

In our Nation at this time, more than 26 million people receive, in a little brown envelope by the third day of every month, approximately $2,008 million. In my State of Ohio, more than 1,250,000 men, women, and children receive that little brown envelope on the third of every month, a total of approximately $140 million. Approximately one in every eight persons of the 10,600,000 people in the State of Ohio receive these benefits. Included among the recipients are retired working men and women, fatherless children, widows, and disabled working men and women of all ages. All of these people are given freedom from financial need and with a measure of dignity as well, for the social security system is not a Government "handout" but an actuarially sound system of insurance.

Mr. President, if in the final hours of this Congress by joint action of the House of Representatives we fail to pass this legislation, it is my hope and belief that the new Congress will liberalize the social security law and make the payments retroactive to January 1, 1971. The more than 26 million Americans who receive these social security payments will not be curtailed or shortchanged by the present Government.

Mr. President, the present surplus in the social security fund and in the social security disability trust fund is approximately $37 billion. Therefore, obviously the Congress is justified in increasing social security payments by 10 or 15 percent to fatherless children, widows, disabled working men, and working women regardless of the age and those workers who have retired and this increase to be retroactive to January 1, 1971. Social security would continue as an actuarially sound insurance system. The bill reported from the Senate Finance Committee is a sound bill in every respect and should be agreed on in conference between the House and the Senate. If not, the new Congress will surely enact this proposal into law making it retroactive to January 1, 1971.

In our Nation, more than 26 million persons receive on or about the third day of every month approximately $2,750 million.

In my State of Ohio, I am happy to report that approximately 1,250,000 men, women, and children receive a small brown envelope on or about the third day of every month amounting to approximately $140 million each month.

Those men and women who lived through the Hoover depression of 1931 and 1932 have reason to give thanks that no such terrible depression could possibly occur as long as we retain our present social security system.

THE "GREEN REVOLUTION"

Mr. McGEE. Mr. President, reporter Richard Critchfield of the Evening Star has spent much of the past 2 years living in Asian villages, where he has had great opportunity to assess the impact of what is called the green revolution. In a report published Sunday, Critchfield stated that the green revolution is more than a great agricultural transformation, but a very rapid cultural evolution—maybe even an upheaval. The necessity of having cash with which to finance the next crop, for these new seeds which mean so much to the world's hungry two-thirds require more fertilizer, more water, and more care in general, is one aspect of the change. Another is the change being worked on the people who face the necessity of working out new reltionships for themselves. Do we face in Asia, for instance, a repeat of the mass exodus from the land which came with the agricultural revolution in Western society? Critchfield would agree with Barbara Ward, who has said there is the prospect of a tidal wave of people that threatens to overwhelm the already bursting cities.

Mr. President, Critchfield does not decry the green revolution at all. But he writes to warn us in these words:

> All over the poor two-thirds of the world there may be a mighty cultural and economic collapse leaving millions of helpless, bewildered people without homes. There would not only be such a vast army of emigrants as the world has never seen but also an army of peasants alienated from their culture.

We cannot ignore this possibility, only work to see the problems and meet them. I ask unanimous consent that Critchfield's report be printed in the RECORD.

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

[From the Washington Star, Dec. 27, 1970]

"GREEN REVOLUTION" MOST SIGNIFICANT OF THIS DECADE

(By Richard Critchfield)

JAKARTA.—The "green revolution" is more than just an agricultural transformation. It also is a very rapid cultural evolution—perhaps even unheaval—in hundreds of thousands of villages all over the world.

The "hundreds of thousands" give me a little pause, since my own experience has been almost entirely limited to two villages where I have been living much of the past year: Ghungrali-Rajputan, a prosperous, wheat-producing community on northern India's Punjab plain, and Pilangsari, a relatively poor rice-growing village on the banks of the Tjimanoek River in western Java.

The two villages and the reaction of their inhabitants toward the green revolution were strikingly different.

The robust, down-to-earth Punjabis, in their traditional pursuit of the good life, were eager to modernize and mechanize and enjoy the material benefits of Western technology. And all but the elderly seem fully prepared to pay the cultural price.

The mystical, artistic and highly cultured Javanese peasantry were taking to the new seeds with conspicuous reluctance, and, one felt, only out of economic necessity. Among

several villagers the new technology was viewed, and rightly, as a direct threat to the traditional Javanese belief and behavior system with its distinctive style of life and human relationships.

It was not surprising that in Punjab the farmers themselves were taking the lead in innovation and chafing at the Indian government's slowness to adopt to change. In Java it was the Indonesian government which was using much of the pressure and means of persuasion at its command to get villagers to grow the new rice.

OPTING FOR CASH

But in both villages an almost identical economic process was taking place: There was a distinct shift away from traditional systems in which the poor landless people of the village received a fixed part of the crop in return for the labor. Instead more and more farmer-landowners were opting for simple cash payments.

This movement toward a money economy is built into the green revolution.

The new seeds—whether a farmer is growing wheat, rice or maize—require much heavier use of water, chemical fertilizer and, in the case of rice, insecticides.

Water may be provided by expanded government irrigation systems or a privately owned tube well, but both require a greater investment by the farmer than in the past.

But the big cash outlay, needed each sowing season, is for fertilizer. This means having a sufficient marketable surplus each harvest to raise enough cash for the next crop.

Automatically anyone growing the new varieties has to think in terms of money, economy of operation (especially labor costs) and returns. And when an economic system uses money, it is not long before the value system begins to depend on money too.

In a traditional village, where the social structure is based on mutual independence, whether between the Jat owner-farmer caste and their untouchable laborers in the Punjab or between the modest landowners and their poorer kinsmen in Java, this tends to drastically displace human values.

In Ghungrali, for instance, where the poorer two-thirds of the villagers were landless untouchables, a sense of community, harmony and security always had been preserved by the caste structure, with its carefully evolved system of mutual rights, obligations and responsibilities. In return for their labor, the untouchables were guaranteed a certain amount of the wheat crop each year and the right to freely graze their cattle.

CULTURAL CRISIS

The cultural crisis came when the Jats felt compelled by the economics of growing the new wheat to put their laborers on a cash-payment basis. The untouchables refused to accept this, a mutual boycott followed (it has since ended) and the Jats, for the first time in a thousand years, refused to let the untouchables graze cattle on their land.

In Pilangsari, a similar crisis is coming. Much of the rice harvest in Pilangsari is now carried out under what is called the "tjeblokan" system, whereby a group of poor relatives or fellow villagers both plant and harvest the rice crop of an often modest landowner in return for one-sixth of the crop. Under this system, the rice is cut with a tiny razor-like instrument, the ani-ani, which is held in the palm of the hand and is slow and uneconomical. (After the back-breaking wheat harvest in the Punjab, I found it rather like gathering flowers for a bouquet.)

Not surprisingly, the more innovative peasants in the village, who also are growing the new rice, are talking of switching to harvesting with a sickle and putting their workers on a strict cash basis. Certainly, it would be more efficient and economical. It also would undermine a village social welfare system established over centuries.

Government extension workers who visited Pilangsari when I was there openly spoke out against the "tjeblokan" system in favor of cash payments. They also hoped to restrict, through non-issuance of licenses, the number of village performances of the famous Javanese "wajang" shadow play. Here, too, the money could be more economically used for fertilizer and insecticides.

But the "wajang" play is more than popular village entertainment; it is the very heart of classical Javanese culture and the fount of much of its religion, philosophy and moral code.

DELICATE BALANCE

Here then were two villages, distinctly different in race, culture and world views, yet alike in that each—after being in a solid equilibrium for centuries—was now undergoing an agricultural revolution that threatened to destroy the delicate balances by which the village always had held together.

In both, these balances rested on similar customs: The heavy weight of considerations of kinship, the responsibility of the family heads to provide food, shelter and clothing for all who labored in their fields, the tacit right of the landless to graze cattle and gather wood for fire undisturbed, the inherent obligations of mutual assistance, the practice of loans with little interest and hospitality without cost, the stability of the family.

Now all this was changing. One might say that the West had finally and twice reached into these villages during this century. First, with the modern medicine and DDT that in the past 50 years produced a cataclysmic fall in the death rate and created a population explosion (the number of people in both villages had almost doubled in the past generation.) And, second with the agricultural revolution, which is providing much more decisive culturally.

One looks for a reason why this is so. Somehow the fact of more people, even twice as many people in the villages, did not do much to alter its basic culture. Everyone was poorer than before but the old traditions survived. Instead the cultural transformation follows the transformation of agriculture.

It is similar to what happened in Europe in the 19th century when the drive for an agricultural surplus to feed a growing population led to the modernization of agriculture. But this has resulted in some 53 million European migrants flooding into the United States. Even the relatively small number of American Negroes displaced by the agricultural mechanism of the South has left the United States its greatest unsolved domestic problem.

But if Ghungrali and Pilangsari are genuinely representative, as I am convinced they are, then one can deduce that the same thing must be happening in all of the hundreds of thousands of villages where the new strains of wheat, rice, and maize have been introduced. To name just some of the countries where the new seeds have already had some impact: India, Pakistan, Iran, Turkey, the Philippines, Malaysia, Burma, Indonesia, South Vietnam, Taiwan, Afghanistan, Japan, Kenya, Tunisia, Morocco, Algeria, Libya, Brazil, Mexico, Paraguay (to say nothing of Russia and China where the new wheat varieties are now being tried.)

The question is: In all the villages where the new agricultural technology is being practiced does the economic imperative operate in the same way as in Ghungrali and Pilangsari so as to snap old ties and traditions, forcing peasant-farmers to face the enormous compulsion of working out new relationships, new meanings to their lives? It is my contention that the answer is "yes" and the ensuing cultural crisis, the vast mass exodus from the land it will produce and the shock of those who have been uprooted will face the world with a problem of great magnitude by the end of this decade.

TECHNOLOGICAL NECESSITY

This is not to decry the green revolution. The point must be made that the growth of population following the spread of modern medicine made the adoption of modern agricultural technology a necessity for most of the poor nations.

To find another historical parallel for what seems to be happening in countless villages all over the world one can go back much further than 19th century Europe to the very beginnings of agriculture in the Tigris-Euphrates, Nile and Indus river valleys. The first Mesopotamian or Egyptian to dig an irrigation ditch, put the first animal into harness or use a traction plow was presumably just trying to feed his family better.

But these technical innovations created new styles of life, new systems of human relationships, led to the first breakthroughs to civilized society, the eventual rise of the West and, in modern times, to the imposition of European culture and technology on the great cities of the whole world, including those of Asia.

Historically, left almost untouched these 5,000 years until the green revolution began to take hold just during the last three or four years, have been most of the villages of the world, where two-thirds of the human race now lives.

As a result, some 80 percent of the populations of the poor nations are still engaged in primitive agriculture. In the rich, advanced countries of the West, it is something less than 10 percent.

It has always been clear that at some point in history this gap would begin to close. And that when it did the impact, not only agriculturally and economically but culturally and in terms of the vast migrations of peoples, would be momentous.

Dr. Norman E. Borlaug, who won this year's Nobel Peace Prize for his part in developing the strains of grain now contributing to the green revolution, says the world has about 30 years to reduce population growth rates to manageable levels before shortages of food catch up.

BIG FAMILIES HAPPIER

In India many agricultural technicians, both American and Indian, maintain India will be lucky to get two or three years before the population growth rate of 2.5 percent and the real food demand growth rate of 3.5 percent exceed the increases in agricultural output.

My own observations lead me to doubt the whole notion of any expectation of success in population control.

In both the villages where I lived, Ghungrali and Pilangsari, the incentives, both human and economic, among the landless laborers to have large families appeared to outweigh the disincentives. Unlike the world's educated middle classes or prosperous farmer-landowners, who have taken to family planning out of a desire to educate their children or perpetuate their farm into the future as a viable economic unit, the poor majority of the peasants appeared to have a real interest in having as many children, or as many potential wage earners in their household, as possible. With few exceptions the poorest peasants were not worried about educating children who traditionally start work as farm laborers and bread-winners at the ages of 13 or 14.

In both villages there was a heavy cultural emphasis on fertility and procreation and government propaganda on behalf of family planning seemed no match for the pressures on a young bride to validate her own position by having many sons, and as soon as possible. One of the Indian government's birth control slogans is "The small family is a happy family." In reality, in the villages, the reverse seemed true; it was the large teeming households, with plenty of

daily wage earners and the security of numbers that were the happier.

In Ghungrali, there was considerable impact from government programs promoting knowledge of birth control. A huge billboard praising the two to three-child family greeted you as you entered the village. Everyone seemed to have an awareness of the pill and intrauterine devices and the government's catchy slogan of "Do ya teen, bas!" ("Two or three, finish!") was as familiar as a commercial jingle would be in America. In contrast, in Pilangsari, there was almost no awareness of the government's family planning program or of either the pill or IUD.

Yet, in practice, birth control seemed much the same in both Ghungrali and Pilangsari. The more prosperous, better educated landowners had smaller families based on motives of enlightened self-interest and the poorer, landless laborers had big families, also in terms of their own self-interest.

In the city of Jakarta, family planning has been practiced by 15,000 women, presumably middle-class, educated, and civic-minded ladies. But Jakarta is a city of almost 5 million people.

Why should a Punjabi laborer or Javanese peasant limit the number of children he has when he does not feel it is in his individual interest to do so?

One day, while working in the rice paddy with Husen, a Javanese farmer who has been my principal subject of study in Pilangsari, I asked, "Don't you worry about the world's population doubling by the end of the century? Think what this village would be like with twice as many people."

"I can't think about that. Wah, I'd go crazy," answered Husen. "So maybe I'd like to go to the moon too. I won't even ride in a motorcar before I die." (The father of four, three of whom died in childbirth or infancy, Husen hopes to keep on having children to insure the survival of at least three more.)

Thus it seems inevitable there will be at least another one billion people in the poor countries alone by 1985 and that the number of those who will depend upon agriculture for their livelihoods will rise about 50 percent.

If the green revolution follows the pattern set by the agricultural revolution in Europe in the 19th century, the greatest exodus from the land and migration to the cities in history is about to commence.

British economist Barbara Ward has said the prospect is of "a tidal wave, a Hurricane Camille of country people that threatens to overwhelm the already crowded, bursting cities. It is not so much immigration as inundation."

"MARGINAL" MEN

For the past two years the world Food and Agriculture Organization in Rome has taken the position that the food problem of the 1960s has become the unemployment problem of the 1970s. The Netherlands' Addeke H. Boerma, the FAO's director general, told the second meeting of the World Food Congress in The Hague in July that unless the green revolution was carefully managed, the result might be "a conflagration of violence that would sweep through millions of lives."

In September, World Bank Director Robert S. McNamara reported to his board of governors that "the poorest quarter of the population in developing lands risks being left almost entirely behind in the vast transformation of the modern technological society." McNamara said "the 'marginal' men, the wretched strugglers for survival on the fringes of farm and city, may already number more than half a billion. By 1980 they will surpass a billion, by 1990, two billion. Can we imagine any human order surviving with so gross a mass of misery piling up at its base?"

It is hard to see how the green revolution could be carefully managed, as Dr. Boerma urges. Governments are up against the same problem they encounter in trying to check population growth: the self-interest of an individual peasant, usually a man with extremely limited horizons whose confident belief in his position in the world and his relationship with all humanity has been fixed over centuries by very old, stable, traditional village cultures.

WRETCHEDNESS DOUBTED

But this has its positive aspect. When McNamara speaks of "wretched strugglers for survival," he seems to hit a false note. "Strugglers for survival?" Yes. "Wretched?" I would say no if one is taking in all of the half-billion "marginal" men he says there are already.

I am willing to venture that most of these still strongly identify with a village and that village's culture even if they actually have lived for years in a great Asian city as a coolie, a betjak driver or in other menial work. As long as they retain this sense of cultural identity, this sense of having a place in a universe with fixed cultural values, no matter how poor they are, I do not think they can accurately be called wretched.

And here to me is the real meaning of the green revolution: That for the past few decades the old structure of the old village society in vast stretches of Asia, Africa and Latin America has begun to crumble. The introduction of modern medicine and the population explosion that followed gave village culture a rude shock and weakened the aged foundations. The new seeds and the transformation of agriculture and the village economy they require could be the climatic blow.

All over the poor two-thirds of the world there may be a mighty cultural and economic collapse leaving millions of helpless, bewildered people without homes. There would not only be such a vast army of emigrants as the world has never seen but also an army of peasants alienated from their culture.

That we might be faced not only with a massive flood of people to the cities, but also with a wholly unprecedented phenomenon of global cultural alienation, is the frightening part.

THE POCKET VETO OF THE FAMILY MEDICAL PRACTICE BILL

Mr. JORDAN of North Carolina. Mr. President, on Monday, December 28, the junior Senator from Massachusetts (Mr. KENNEDY) and the senior Senator from Texas (Mr. YARBOROUGH) joined in criticizing the President's pocket veto of S. 3418, the family medical practice bill.

They objected persuasively and in detail both to the rejection of the legislation and to the tactic employed to delay the decision until Congress was in holiday recess, thus denying supporters of the measure any chance for a motion to override.

They presented the case so forcefully and well that nothing I could say would add strength to their argument.

As a cosponsor of the legislation, however, I want to associate myself fully with their remarks and to pledge my best efforts to revive this legislation and secure its passage as early as possible in the next session of Congress.

THE USE OF DEFOLIANTS IN VIETNAM IS A STAIN ON OUR NATIONAL CONSCIENCE

Mr. YOUNG of Ohio. Mr. President, 45 years ago the United States took the lead in drafting the Geneva convention, the most basic and fundamental international treaty banning the use in war of all poisonous gases and biological methods of warfare.

Today, the United States stands almost alone among the powers of the world in failing to become a signatory to this treaty which we first proposed.

The fact is that the convention was first suggested in Geneva at an international conference by the head of the U.S. delegation, Representative Theodore E. Burton, from my native State of Ohio, with the full support of President Coolidge and Secretary of State Kellogg.

In June 1925, the United States signed the Geneva convention but it was never ratified by the Senate. This was in large measure because the chemical industries and especially generals of the Army Chemical Service exerted considerable pressure against the ratification of the convention.

Mr. President, more than a year ago on November 25, 1969, President Nixon announced that the United States was renouncing germ warfare. He ordered existing American chemical and biological germ warfare weapons destroyed. The President also pledged that research on biological agents would be only defensive in nature.

Recently, however shocking and appalling, it has come to light that American troops in South Vietnam have continued to use a poisonous chemical warfare ingredient months after it had been banned by the Defense Department. The fact is that spraying of Agent Orange containing the deadly chemical compound, 2,4,5-T was ordered suspended on April 15 of this year. Since that time, however, hundreds of acres of farmland in the highlands of Quang Ngai Province in South Vietnam have been sprayed with Agent Orange.

This was disclosed by enlisted men in the 90th Chemical Detachment after the commander of the detachment, Capt. John Morrison, denied that Agent Orange was being used.

Mr. President, the use of chemical and biological warfare has a long and grisly history.

As long ago as 600 B.C., Solon of Athens is said to have defeated the army of Kirrha by poisoning the enemy's drinking water. The Spartans were said to have besieged satellite cities of Athens in the Peloponnesian War with burning sulfur and pitch to create sulfur dioxide, a gas about one-fourth as irritating as chlorine.

During the American Civil War, Confederate troops once tried to delay the advance of their pursuers by leaving behind water holes polluted with the carcasses of dead animals. This according to the memoirs of Gen. William Tecumseh Sherman.

In the modern sense of chemical and biological warfare, the widest use of chemical agents took place in World War I. By the end of the war, a total of 28 agents and 16 mixtures had been employed by both the Allies and the Central Powers amounting to more than 124,000 tons.

Mr. President, since 1961, 100 million pounds of chemical herbicides have been sprayed on 5 million acres of land in

South Vietnam, an area the size of the State of Massachusetts. By the end of this year, more than 23 million gallons will have been sprayed in Vietnam. Most of that in South Vietnam.

Defoliation operations in Vietnam are carried out by squadrons of specially equipped C–123 cargo planes, each with tanks capable of holding a thousand gallons of herbicides. The official code name for the program is Operation Hades but a more friendly code name, Operation Ranch Hand is used. Operation Hades is a better name.

Mr. President, the continued use of such deadly poisons that affect civilians as well as enemy soldiers is in my view a crime of fantastic proportions. It constitutes a stain on our national conscience that may well haunt our Nation for years to come.

When I was in South Vietnam in early 1968 as a representative of the Senate Committee on Armed Services, I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets in South Vietnam. I saw in hospitals and elsewhere little children without arms or legs or horribly burned or in any one of many other ways tragically maimed for life.

Near An Khe in South Vietnam extending for a long distance in front of the barracks, headquarters, and artillery positions of our Armed Forces I beheld what is meant by defoliation. Miles, length and width, of what had been beautiful green forest land with humble homes of peasants were defoliated as our forces burned, destroyed, and poisoned the trees and foliage in the entire area. The land itself has been poisoned. Men, women, and children have been forcibly removed from their homes and most of them taken against their will, to miserable refugee camps, so-called. Some of our refugee camps with thousands of old men, women, and children herded together may not be as terrible as this gutted, seared, destroyed land bereft of bushes and trees, but all except one refugee camp I saw were in exceedingly deplorable condition.

Defoliation results in destroying crops and even foliage supplying food for water buffalo so greatly needed by Vietnamese farmers. Of course, many water buffalo and other livestock have been destroyed. We are not only destroying the meager food supply of Vietnamese civilians, but also leaving the earth sterile for future generations. Vietnam, once a beautiful green paradise, is being stripped of vegetation and crops.

Unfortunately, men, women, and children trying to stay alive are being pushed closer to starvation or herded like animals into American refugee camps. It is difficult to visualize this burned out, devastated land.

The Saigon militarist regime shows little or no concern for the hundreds of thousands of civilians who have been wounded and maimed. They are more concerned with maintaining themselves in power than in helping their own people who have become victims of the war. They treat the mass of the Vietnamese in the countryside in the same manner as the French and Japanese colonial masters who preceded them.

Mr. President, all Americans are hopeful that we will end our involvement in that immoral, undeclared war in Vietnam at the earliest possible date. My view that our forces should be withdrawn immediately in the same manner in which they were sent there—by ships and planes—is well known. However, it appears that the administration is determined to continue to send young Americans to fight and die in Vietnam. The President has made much of the fact that in recent months our casualties have dropped to the lowest level in 2 years. I urge them to take similar action to reduce the number of casualties suffered by the innocent civilian population of South Vietnam. I urge him to order a complete halt to the use of chemical defoliants that are poisoning the land of South Vietnam and endangering the lives of generations yet unborn.

The Pentagon has announced only that it is initiating a program for an orderly yet rapid phaseout of all herbicide use, and that in the meantime defoliants will be restricted to firebase and U.S. installation perimeters or remotely unpopulated areas. Why simply initiate a program? Why not stop the use of these lethal chemicals immediately? And I strongly question the ability of the Pentagon to decide which areas are remotely populated especially since we know military intelligence to be faulty. The fact is, Mr. President, that many areas in South Vietnam are declared unoccupied simply because the Army has previously issued an order to evacuate. Many persons nevertheless remain or are forced to stay.

Yesterday, a commission of scientists appointed by the American Association for the Advancement of Science submitted a report based on a long-range independent scientific study of the effects of South Vietnamese defoliation. It included visits to areas of defoliation in Vietnam and incorporated the views of 23 scientific consultants. They found that not only did the sprayings have a profound effect upon the food supply available to civilians, but that there were some striking increases in birth defects in South Vietnamese hospitals. They also found that hardwood and mangrove forest areas may fail to return to their natural state even after many years due to the destruction of the ecological balance.

An article in the December 30 Washington Post entitled "Vietnam Defoliation Called a Failure" by Victor Cohn, relates the findings of this commission in detail. I ask unanimous consent that this article be printed in the RECORD at this point as part of my remarks.

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

VIETNAM DEFOLIATION CALLED A FAILURE

(By Victor Cohn)

CHICAGO.—The massive U.S. plant-killing program in South Vietnam was called a failure by a commission of scientists today—a failure whose main effect has been the still-continuing destruction of the food and home sites of civilians, not enemy forces.

The commission, named by the American Association for the Advancement of Science, also found that "several hundreds of thousands of civilians," mainly non-Communist Montagnard highlanders, have been sprayed, as well as their homes and crops.

Many of these civilians, the group said, have now become homeless refugees.

The commission found that spraying of forests and crops has had a profound effect on South Vietnam's economy, destroying enough food to feed 600,000 people for a year and half a billion dollars worth of prime hardwood.

It found some striking increases in birth defects in some South Vietnamese hospitals, indicating that the question of whether or not herbicides have harmed genes—a question still unanswered—should be far more closely studied.

The report was made by a three-man group charged with planning and starting a long-range, independent scientific study of the effects of South Vietnamese defoliation.

Organized by Dr. Matthew S. Meselson, a Harvard biologist, it included Dr. Arthur H. Westing, professor of botany at Windham College, Vermont—named commission director—and Dr. John D. Constable, a Harvard surgeon.

They were aided by 23 scientific consultants, who met in June. Then they made an on-the-spot study in Vietnam last August and September.

The group formally said its assignment did not include studying "the military desirability or utility" of the use of herbicides, the plant, forest and crop-killing chemicals U.S. forces in Vietnam have used to try to deny the enemy cover and sustenance.

But its report plainly constituted a damning indictment of U.S. spraying, the first such indictment from a major scientific organization.

The study group members said they had called the crop-spraying's ineffectiveness and devastating human results to the attention of U.S. authorities.

On the basis of their observations, it is known, they urged an immediate halt to it.

A White House press release only last Saturday said Defense Secretary Melvin R. Laird had told President Nixon that Ambassador Ellsworth Bunker and Gen. Creighton Abrams are "initiating a program" for an "orderly yet rapid phaseout" of all herbicide use and that use meanwhile will be restricted to firebase and U.S. installation perimeters or remote unpopulated areas."

The White House made no reference to the Meselson-Westing-Constable study. Commenting today, however, University of California biologist Kenneth V. Thimann said the White House statement suggests the study has already had "a considerable effect."

Meselson last year was credited with helping persuade the administration to abandon and destroy germ weapon stockpiles as militarily and politically impractical as well as dangerous and inhumane.

Even Saturday's White House announcement was dangerously vague, charged another commentator here, Dr. Herbert Scoville Jr., former deputy director of the Central Intelligence Agency and an arms control agency official. The most "orderly and rapid" way to stop using herbicides, he said, would be to stop immediately—and the White House reference to "remote unpopulated areas" raises fears of more spraying of dwellings and crops.

Among specific assessments here today:

The AAAS commission said it was told by U.S. intelligence officers and by the pilot on a C–123 spraying mission on which they flew that there were no dwellings in the sprayed area. But "our blown-up photos," Messelson said, show dwellings there.

The Army's "precautions to avoid destroying the crops of indigenous civilian populations have been a failure, and nearly all the food destroyed would actually have been consumed" by civilians, not North Vietnamese or Vietcong forces. Actually, commented biologist Thimann, "the deductions of Army intelligence" on whether particular crops were enemy army crops or legitimate Montagnard crops have proved highly inaccurate.

The crop-spraying has had a tremendous destructive effort on the Montagnards. Many farmers killed their water buffaloes, their

main wealth, because they considered them affected, and many have left their land.

Dr. Constable was unable to determine whether it was true that many affected civilians' health suffered from the spraying. North Vietnamese films handed a U.S. scientist by a National Liberation Front emissary in Paris last week showed a "woman left paralyzed," and other suffering adults and children, according to Hanoi claims.

Another undetermined effect is possible contamination of the food chain by dioxin. This is a contaminant of the plant-killed 245–T, a principal ingredient of "Orange," which was the principal herbicide used in Vietnam until it was banned last August because of fear of possible birth defects. An Agriculture Department scientist, Dr. Fred Tschirley, said yesterday that new tests by both USDA and the National Institute of Environmental Health Sciences tend to exonerate Orange.

But constable reported two pieces of evidence that he believes make further studies of the birth defect issue imperative. Saigon hospitals—though they showed a decrease in stillbirths in recent years—showed an increase in two birth anomalies: Spina Bifida (a grave spinal defect) and cleft palate. Close study in Tayninh Province—where people commonly eat fish from waters that could be affected by 245–T—showed the highest birth defect rate of any provincial hospital in South Vietnam.

On the other hand, the commission found no evidence of any excess incidents of other deformities.

Both hardwood and mangrove forest areas may fail to return to their natural state, even after years—the hardwood areas because they have been infested by hard-to-kill, almost worthless bamboo; the mangrove swamps because they have been infested by crabs that eat the young mangroves.

DEFENDS SPRAYING

Defending the Army, Brig. Gen. William Stone, former director of chemical operations, said Vietcong and defector reports have proved U.S. spraying caused heavy food shortages, hurting the enemy. He said spraying has saved many American lives.

He said crop destruction was always restricted to areas where there would be no harm to native populations not under enemy control, and "since early 1968 there has been no crop destruction in any areas where there is any known population"—though he agreed with the commission that there has been "some unfortunate drift" of spray.

Further, he said, any so-called inhabited areas sprayed have harbored "eight or less persons per square kilometer," and "it is our belief that people there were definitely under VC control."

Replying, Harvard political science Prof. Samuel Popkin said "there is almost always going to be inadequate intelligence" in a country like Vietnam, particularly about a minority like the Montagnards, about whom the Vietnamese care very little.

Popkin, a commission assistant who has studied Vietnam villages on the scene since 1966, also said: "The Army often technically declares areas unoccupied, because technically everyone is told to leave. This ignores the fact that large numbers of families either prefer or are forced to stay."

Stone reported that the Defense Department and National Academy of Sciences are now conferring on a future, long-range study of Vietnam spraying effects. The Defense Department has so far refused to give the AAAS group its list of places sprayed and agents used.

NEXT YEAR'S SBA BUDGET WILL BE IMPORTANT TEST—DIRECT LOAN FUNDS SHOULD BE RESTORED

Mr. BIBLE. Mr. President, even as this session of Congress concludes, the budget experts in the executive branch will be conferring with President Nixon about plans for fiscal year 1972.

The judgments made now and announced in January will govern the basic direction of the Small Business Administration for the next year and a half and will determine its financial ability to meet the needs of 5½ million hard-pressed American small businessmen.

To express the responsibility that we in Congress also feel in this area and as chairman of the Select Committee on Small Business, I have joined with the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN) in placing our views before the President. We have requested that SBA fund levels, particularly for the direct, immediate participation, community development, and SBIC loan programs be restored to a meaningful level and hopefully commensurate with that approved by Congress for fiscal year 1968.

We have stressed that SBA assistance is not in the form of grants but is fully repayable to the Government together with interest. SBA loans are therefore an investment in small, new, family, local, and independent enterprise which brings disproportionate benefits to our economy and our society.

These investments are in accordance with the Small Business Act of 1953, which established these programs because of:

> The declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the nation.

SBA PROGRAMS DESIGNED TO MEET CURRENT PROBLEMS

The programs set forth in the 1953 act were designed especially to cope with problems which have not only persisted but are of special concern today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

During periods of economic stress such as this, the obligations of the Government are redoubled if fair play to the small business community is to be maintained.

We have had 17 years of experience with the programs, which has refined many of the rough spots out of them. We know they are of proven effectiveness.

It is therefore apparent that perhaps the most essential difference between just talking about these problems and doing something about them is whether funds are provided by the President's budget for the various SBA direct loan programs.

Previously, this administration has chosen to reduce these programs nearly to the vanishing point while placing emphasis on guarantees of loans made by private institutions. As we attempt to show, this approach has not done the job and is not a fully adequate substitute for direct and participation lending.

Accordingly, we would suggest that the SBA budget for fiscal year 1972 will be one of the acid tests that will divide those interested in rhetoric about small business and the economy from those seriously concerned about really dealing with these problems.

We have expressed our hope that the President will earnestly consider this appeal, and we wish all members of this body would become familiar with these questions with a view toward the general support of this position.

And, Mr. President, we shall be watching to see whether our hopes are fulfilled in the new year.

I ask unanimous consent that our letter of December 29 to the White House in this matter be reprinted in the RECORD at this point for the information of all concerned.

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

U.S. SENATE,
SELECT COMMITTEE ON
SMALL BUSINESS,
Washington, D.C., December 26, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At this time of the year, when budgets are being prepared in the Executive Branch, we in the Congress are also well aware of the responsibility which we all share for the 95 percent of American commerce and industry which is small business and accounts for an estimated 40 to 50 percent of all jobs and 33 to 40 percent of GNP.

Accordingly, we ask that you give most earnest consideration to increasing the Small Business Administration budget for fiscal year 1972 to levels approximating those approved by Congress for fiscal year 1968, particularly as to funds for direct participation, community development, and SBIC loans.

From the passage of the Small Business Act in 1953, it has been generally accepted that the ability of the SBA to supply direct funds in its various loan programs has been the heart of its assistance to the small business community. However, a recent emphasis on guarantee loans to the detriment of the direct loan programs has not done the job for the nation's 5½ million small businesses. The last three fiscal years have seen SBA direct loans fall from 2,456 in 1968, to 635 in 1969, to 42 in 1970. Participation loans have also fallen far below the previous averages.

Loan guarantees cannot be fully adequate to meet current circumstances, because the effectiveness of this approach depends first, upon the availability of financial resources in the private sector; second, upon many commitments to allocate these resources to what are generally considered less-preferred risks; and third, upon the payment of higher interest rates by those least able to bear them.

An indication of the extent to which guarantees are not equal to the problem is found in the failure rates for businesses in 1970, which rose 25 percent. Failures with liabilities of $1 million increased a startling 95 percent. Another indication was that small and independent firms, which are lower-rated borrowers and stand at the end of the line for credit, continued to pay record-high interest rates for loan funds, a national average of 8.6 percent in November, with peaks of 9.4 percent in the Pacific and Mountain states.

Although the crisis of liquidity appears to have abated somewhat, the continued weak-

ness in bank term loans seems to represent continued hesitancy of financial institutions to offer longer term financing to medium- and lower-rated companies. Declining profits are cutting into internally-generated capital, and the bond market remains the preserve of the very largest corporations.

These extreme stresses of 1970 give us serious concern about the ability of small firms across the country to secure financing for even their "normal" needs without more affirmative help from the Federal Government. As you have pointed out, our economy must also take up the burden of transition in the years immediately ahead.

Smaller defense contractors and subcontractors, which have been vital to the nation's military build-up, must retool and reorient for civilian markets. Many returning veterans, like their colleagues after World War II and Korea, will wish to start their own businesses. Communities surrounding installations to be closed or curtailed will experience severe dislocation if they cannot plan now to attract new industry to take up the slack.

Small Business Administration loan programs are designed precisely to assist in these situations. They have the additional advantages of encouraging balanced growth between rural and urban areas; helping smaller firms to adapt to higher environmental and consumer standards; and assisting less advantaged Americans into the mainstream of commercial life.

Today, economic forces beyond the control of smaller businessmen make the obligations of Government even stronger. If these SBA programs are permitted to operate far below levels considered appropriate a few years ago, it would seem that the basic concept of fair play for the small business community is being seriously impaired.

To the degree this happens, there will surely be a shifting of existing business and future potential growth to bigger, well-financed companies which already exert a preponderant influence on our economy. At the same time thousands of worthy small, family, local, and independent firms will be squeezed out of our economic life leaving both the economy and our society poorer in the end.

We should emphasize also that SBA assistance is not in the form of grants, but in loans which are fully repayable with interest.

It seems to us that the programs of the Small Business Administration have extraordinary and almost unique ability to deal with the pressing difficulties of transition and economic opportunity with which we all are concerned. We therefore feel that these tools should receive the full budgetary support to which an objective analysis entitles them.

We are hopeful you will give appropriate consideration to these views in your final decisions on the Small Business Administration's budget for fiscal year 1972 and see fit to restore the direct loan program to a more meaningful level and thereby meet the realistic needs of small businesses nationwide.

Cordially,

ALAN BIBLE,
Chairman, Senate Small Business Committee.

JOHN SPARKMAN,
Chairman, Senate Banking and Currency Committee.

STEVE YOUNG: A LEGISLATIVE WARRIOR WITH THE STING OF A WASP

Mr. CHURCH. Mr. President, I regret that I was out of town on the day that time was allocated in the Senate for tributes to our departing colleague, STEPHEN YOUNG. However, I want to make amends today by offering my formal farewell to this forthright colleague of ours.

STEVE YOUNG made his mark early upon the Senate. He did it by applying an old rule in a new way. Senator YOUNG believed that politically, as well as mathematically, a straight line is the shortest distance between two points. His extraordinary candor in his relations with his constituents will be long remembered here.

Each of us receive hundreds of letters every week, most of which deal with legitimate questions and concerns of constituents, related in civil and mannerly language. However, amidst the decent mail, a few letters of venomous and outrageous tone can usually be expected. These diatribes confound our ingenuity in attempting to respond to them. Most of us, I daresay, reply to such insults by overlooking them, couching our response in the normal way.

But not STEVE YOUNG.

His blunt and pungent replies to "crank" mail stand as a hallmark of his senatorial service. They often made headlines. Some of us may have privately wished we too had replied in kind, when the occasion invited it. Yet STEVE YOUNG, practically alone among us, was one Senator who refused to bite back his tongue.

Of course, STEVE YOUNG was more than a Senator who wielded a peppery pen. He dealt in similar fashion with the overriding issues of our time. His was one of the first voices raised in the Senate against our part in the atrocious war in Indochina. He analyzed the situation correctly, charging our involvement to be basically faulty in conception, from which only needless carnage could ensue. Today, the Nation knows in its heart that STEVE YOUNG was right.

Among his other virtues, STEVE YOUNG disliked false flattery—he did not practice it himself and he rejected it in others. But his consistent directness and his willingness to take political risks in pursuit of his goals evoked the sincere admiration of his colleagues. As a result, his conduct was an encouragement to others in public life to take outspoken positions. He had done this as a criminal trial lawyer in Cuyahoga County, Ohio; he did it during his service in the U.S. House of Representatives; and, as we have been almost daily reminded, he did the same in the Senate.

I am deeply sorry to see him depart. He is a good friend—witty and genial whether he be a guest or host in his private life—and he has been, beyond dispute, a fine Senator.

GENOCIDE TREATY COULD HELP CONDEMNED JEWS IN RUSSIA

Mr. PROXMIRE. Mr. President, some prominent citizens have claimed that the recent sentencing of two Jews in the Soviet Union was part of a concerted effort to eliminate Jews as Jews from their population. Now, I do not know whether that claim is accurate, but if the genocide treaty were implimented we would have some means of finding out whether the Soviets were in fact attempting genocide.

Under the genocide treaty an impartial board could be established to check the accuracy of the assertions. We could then determine, once and for all, the truth of these charges. The seriousness of these charges and the impotence of the United States alone to do anything, should certainly spur the Senate to pass the long overdue genocide treaty.

I have stood here on the floor of the Senate for over 2 years urging this action and I shall continue to act as the conscience of the Senate until we do pass the genocide treaty. The time to act is now. Any delay could be fatal to those who are at the mercy of totalitarian regimes.

THE SACRIFICES AND MILITARY AID OF THE SOVIET UNION, OUR ALLY IN WORLD WAR II, SHOULD NOT BE FORGOTTEN

Mr. YOUNG of Ohio. Mr. President, throughout my 12 years' service in the Senate listening to Senate speeches and reading the CONGRESSIONAL RECORD of speeches in the other body, it has been my observation that the most vigorous, blatant, and constantly outspoken denunciations of the Soviet Union, as a rule, have been made by Members of the House of Representatives and of the Senate who never wore the uniform of their country in time of war.

It occurs to me, Mr. President, to state the facts that in the course of World War II the Soviet Union was our ally. Hitler's Nazi troops and Luftwaffe suddenly and ruthlessly invaded the Soviet Union and, throughout the bitter months and years that followed, 10,500,000 men of the armed forces of the Soviet Union were killed in combat or died from wounds. During the same period 20 million Russian men, women, and children who were civilians were killed by the Nazis and in that period the lives of 1,050,000 Russian Jews—men, women, and children—were snuffed out. During this same period, the German Luftwaffe and Hitler's Nazi ground forces killed 1,600,000 men of the armed forces of Poland and killed 6,270,000 civilians—men, women, and children—including Polish Jews they exterminated. Also, in Yugoslavia more than 700,000 men of its armed forces were killed and more than 1,300,000 civilians—men, women, and children—were killed. In Rumania 350,000 men of its armed forces were killed, missing, or wounded by the Nazis and more than 530,000 Rumanian Jews were put to death.

Mr. President, those of us who served in the Armed Forces of the United States throughout World War II know that, except for the bravery, stubbornness, and tremendous sacrifices in life and property of the Russians in hurling back the invaders and then finally marching victoriously from the Elbe to Berlin, the war waged by Hitler against the United States would never have ended as it did in May 1945. It would have been prolonged and very likely more than 1 million American fighting men would have been killed before peace had been achieved.

DEVELOPMENTS IN CUBA

Mr. GURNEY. Mr. President, from time to time in the last 2 months, I have brought to the attention of the Senate, some facts about developments in Cuba which I have found to be disquieting and almost alarming. I have no desire to be a Cassandra, but I think we have present all the elements of a dangerous situation.

Let me say at the outset, that I have asked the State Department for a clarification of the so-called 1962 understanding between the Soviet Union and the U.S. missile crisis of that year. The State Department's response has not reassured me. I would like to quote a portion of the Department's response dated December 23, 1970:

There are no written agreements or exchanges with the Soviet Union on this subject, other than those contained in the public statements of both Governments. The principal statements in this regard are President Kennedy's press conference statement of November 20, 1962, and the statement by the Soviet official news agency TASS on October 13, 1970. Copies of both of those statements are enclosed.

As you will note, President Kennedy's statement summarizes the developments in the Cuban missile crisis of 1962 and contains the statement that ". . . if all offensive weapons are removed from Cuba and kept out of the hemisphere in the future under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean." He went on to say, "We will not, of course, abandon the political, economic and other efforts of this hemisphere to halt subversion from Cuba nor our purpose and hope that the Cuban people shall some day be truly free. But these policies are very different from any interest to launch a military invasion of the island."

At another point in the statement he said: "Consequently, if the Western Hemisphere is to continue to be protected against offensive weapons, this Government has no choice but to pursue its own means of checking on military activities in Cuba. It is in accordance with this latter statement that we have, since that time, regularly been carrying out aerial surveillance of Cuba, in general without protest or interference from Cuba.

Although we were confident that the Soviets "understood" our position as set forth by President Kennedy, his statement constituted a unilateral pronouncement on the part of the United States Government. It was not followed by any statement by the Soviets; thus, the Department of State did not in the intervening years allege that there was an "agreement" or "an understanding" between the two Governments on this subject.

However, when there were reports indicating that the Soviets might be in the process of establishing a facility in Cuba for the servicing of nuclear-powered submarines, including the possibility of servicing Soviet missile-carrying submarines, the attention of the Soviets was called to President Kennedy's November 20, 1962, statement, making clear that it remained the policy of this Government.

Subsequently, on October 13, 1970, the TASS statement was issued. In this statement, for the first time, the Soviets referred to an "understanding reached between the Governments of the USSR and the United States in 1962." Although not the subject of the written exchanges in 1962, the Soviets now appeared to accept the premise that the construction of a Soviet "naval base on Cuba" would also be contrary to the 1962 "understanding." In view of what we felt was the importance of the Soviet statement to our own interests, on the same day the State Department spokesman stated that, "We have noted the TASS statement and consider it to be positive, but will, of course, continue to monitor the situation."

Subsequently, on November 13, in response to press questions the State Department's spokesman stated: "In view of President Kennedy's press conference statements on November 20, 1962, and to which this Administration has referred, and the Soviet Government's statement issued by TASS October 13 this year, we are confident that there is understanding by the two Governments of their respective positions on the limits of their actions with regard to Cuba." And on November 17, in response to press questions, the State Department's spokesman stated that no significance should have been attached to the omission of the article "an" before the word "understanding" in his previous statement. He went on to say that, "we have no plans for invading Cuba." He then added, "does this mean that the Soviets cannot introduce offensive weapons and construct bases for such weapons (in Cuba), the answer is yes."

Mr. President, I ask unanimous consent that the text of President Kennedy's November 20, 1962 news conference and the Tass dispatch of October 13, 1970, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Mr. President, I think several points are worth mentioning in connection with this 1962 "understanding".

First, I must mention that, according to the State Department, the understanding consists of "a unilateral pronouncement on the part of the U.S. Government".

President Kennedy's "commitment"—if it can be so characterized—to refrain from invading Cuba was predicated on three conditions:

First. If all offensive weapons are removed from Cuba and kept out of the hemisphere in the future.

Second. Under adequate verification and safeguards; and

Third. If Cuba is not used for the export of aggressive Communist purposes.

I think a good case can be made for the argument that two of the conditions precedent for commitment not to invade have not been met. We did not have and never have had on-the-site inspection of the missile sites and Cuba has been used continually for the export of revolution to the other countries of South and Central America.

Ambassador Foy Kohler, who was our Ambassador to Moscow at the time of the missile crisis, has always maintained that the American promise to refrain from invading Cuba was conditioned on events that never transpired and, therefore, cannot be and, should not be regarded as binding on the United States. This argument, however, is academic because the United States now views the understanding as binding. And, we apparently take that position because of a dispatch which appeared in Tass on October 13. Tass, which is the official Soviet news agency but which is not the Soviet foreign office, stated:

Tass has been authorized to state that the Soviet Union has not built and is not building its military base on Cuba and is not doing any thing that would contradict the understanding reached between the Governments of the USSR and the United States in 1962.

And later on:

In this context Tass has been authorized to state that the Soviet Union has always strictly adhered to the understanding reached in 1962, will adhere to it in the future, too, and proceeds from the assumption that the American side will strictly fulfill the understanding.

What we regard then as a unilateral pronouncement has been in effect, ratified 8 years after the fact by the Soviet news agency. This is an extraordinary performance.

Even more extraordinary is the fact that the U.S. Government is apparently basing foreign policy, in a highly critical, sensitive, and dangerous area, on such a vague and tenuous platform.

We have learned painfully over the years that formal agreements with the Soviet Union are not worth the paper they are written on. How, then, can we rely on this incredible understanding, which is not even on paper?

But let us suppose then that the understanding which the State Department characterizes as a unilateral pronouncement—consisting of "no written agreement or exchanges with the Soviet Union on this subject, other than those contained in the public statements of both governments," and which the Soviet Union now proclaims as binding on itself and on the United States—let us suppose that this understanding exists and is binding. Where does that leave us? No better off, Mr. President.

The Soviet Union has stated that it is not building a submarine base in Cienfuegos in Cuba. Remember that in October 1962, the Soviet Union assured the United States that offensive nuclear missiles were not being installed in Cuba. The Soviet Union was lying, as we all know. Can we be satisfied merely with the assurances of the Soviet Union in this instance? I, for one, cannot be reassured in this fashion and I do not think any of us should be satisfied by the self-servicing declarations of the Soviet Union.

Notwithstanding the Soviet Union's denials, there is evidence that the Soviets are doing precisely what they deny—that is, building a submarine base in Cuba capable of servicing its conventional and nuclear submarines.

Dr. Manuel J. Reyes is currently the Latin news editor of station WTVJ in Miami. He was born in Cuba 44 years ago and came to our country with his wife and three children in August 1960, a refugee from Castro tyranny. For 22 years he had been a newsman with station CMQ in Havana. He was graduated from the University of Havana with a diplomatic degree in 1948 and took his civil law degree in 1949. He has maintained extensive contacts with the anti-Castro underground within Cuba and he is a respected leader of our Latin community in Florida. In the past, his information from Cuba has been shown to be extremely reliable and accurate. Dr. Reyes has prepared a white paper on recent Soviet activities in Cuba which I think will be of interest to the Senate. I ask unanimous consent that this document be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. GURNEY. Dr. Reyes has detailed extensive Soviet activity in many provinces and areas of Cuba. The point that worries me most, however, is activity in and around Cienfuegos.

Let us go back to the original assumption—leaving aside the circumlocutions of the State Department. Let us assume that there is an agreement extant which says, in effect, if you—the Soviet Union—keep your military hardware out of the Western Hemisphere, we—the United States—will tolerate Castro and refrain from invading Cuba or otherwise displacing Castro. Would a Soviet submarine base in Cuba be a violation of this agreement? It assuredly would be. President Nixon has announced that he regards the presence of a Soviet nuclear submarine base in Cuba as a threat to our national security.

As I understand our State Department's position, the introduction of offensive Soviet hardware into the Western Hemisphere would violate the understanding. But, where, I think we can properly ask, would that leave us? Would all bets then be canceled? Would our no-invasion promise then be forfeit? There are problems here—from every point of view.

We have an enormous problem which we really have not yet addressed—that is, the constraints under which foreign policy is now conducted. This is 1970; soon it will be 1971. This is not 1962. President Nixon cannot act with the laudable dispatch with which President Kennedy properly acted in 1962. Too much has happened in the intervening years. The whole unfortunate war in Indochina has intervened, the fragmentation of many of our institutions, the alienation of certain segments of our population.

There no longer exists that consensus, that unity, which allowed President Kennedy to act in what he rightly conceived to be the best interests of our country in the missile crisis. An example of what I mean occurred last week before the Foreign Relations Committee. Secretary Rogers testifying on behalf of the Cambodian aid proposals said that we, as a nation, have no intention of entering Cambodia with our forces. He added significantly, that public opinion in the United States would not tolerate or permit such an invasion. I dare say, the Secretary is correct. I do not dispute his claim.

As a matter of fact, I support the Secretary's position. But the point that I wish to make is that the President is boxed in here. I think candidly he is being boxed in, in other areas.

I am very afraid that the leaders of the Soviet Union who read the CONGRESSIONAL RECORD and the transcripts of our committee sessions will conclude that, because of our internal differences, we are powerless to protect our national interests. I think we can detect in recent Soviet action reliance on this false assumption. Our warnings about an arms buildup in the Middle East has been cavalierly ignored by the Soviet Union. In spite of their protestations to the contrary, are the Soviets in the process of ignoring our warnings about the construction of a nuclear submarine base in Cuba? I think it is entirely possible. I think the Soviets are probing for weakness or hesitation. If we are intimidated—I think we can expect, not a relaxation of tensions, but a heightening of tensions—further more serious, more dangerous probes. This analysis makes it all the more imperative that we resist or check the probes and back up our rhetoric with meaningful steps that will make the warnings credible. There is no deterrent in vacillation; on the contrary, vacillation makes further test probes inevitable. If we are to be believed, we must be prepared to back up the warnings with effective countermeasures.

The consequences of vacillation in the face of these new Russian probes in the Caribbean are potentially disastrous for our position, not only in the Caribbean, but throughout the world. It is absolutely essential, in my judgment, that we remain firm in the face of this latest Soviet probe. We cannot afford to yield on this issue, because the consequences of an American retreat on this issue would be nothing short of disastrous.

I have said before, and I repeat now, that I have great confidence in President Nixon, in his judgment and in his courage. He needs our support in this difficult situation. I would respectfully urge that he report to the American people at the earliest possible time on the current situation in Cuba. If our fears are unjustified, he can dispel them. If our concern is warranted, he can specify the course of action he intends to pursue.

EXHIBIT 1

THE PRESIDENT'S NEWS CONFERENCE OF NOVEMBER 20, 1962

The President. I have several statements.

[1.] I have today been informed by Chairman Khrushchev that all of the IL–28 bombers now in Cuba will be withdrawn in 30 days. He also agrees that these planes can be observed and counted as they leave. Inasmuch as this goes a long way towards reducing the danger which faced this hemisphere 4 weeks ago, I have this afternoon instructed the Secretary of Defense to lift our naval quarantine.

In view of this action, I want to take this opportunity to bring the American people up to date on the Cuban crisis and to review the progress made thus far in fulfilling the understandings between Soviet Chairman Khrushchev and myself as set forth in our letters of October 27 and 28. Chairman Khrushchev, it will be recalled, agreed to remove from Cuba all weapons systems capable of offensive use, to halt the further introduction of such weapons into Cuba, and to permit appropriate United Nations observations and supervision to insure the carrying out and continuation of these commitments. We on our part agreed that once these adequate arrangements for verification had been established we would remove our naval quarantine and give assurances against an invasion of Cuba.

The evidence to date indicates that all known offensive missile sites in Cuba have been dismantled. The missiles and their associated equipment have been loaded on Soviet ships. And our inspection at sea of these departing ships has confirmed that the number of missiles reported by the Soviet Union as having been brought into Cuba, which closely corresponded to our own information, has now been removed. In addition, the Soviet Government has stated that all nuclear weapons have been withdrawn from Cuba and no offensive weapons will be reintroduced.

Nevertheless, important parts of the understanding of October 27th and 28th remain to be carried out. The Cuban Government has not yet permitted the United Nations to verify whether all offensive weapons have been removed, and no lasting safeguards have yet been established against the future introduction of offensive weapons back into Cuba.

Consequently, if the Western Hemisphere is to continue to be protected against offensive weapons, this Government has no choice but to pursue its own means of checking on military activities in Cuba. The importance of our continued vigilance is underlined by our identification in recent days of a number of Sovet ground combat units in Cuba, although we are informed that these and other Soviet units were associated with the protection of offensive weapons systems, and will also be withdrawn in due course.

I repeat, we would like nothing better than adequate international arrangements for the task of inspection and verification in Cuba, and we are prepared to continue our efforts to achieve such arrangements. Until that is done, difficult problems remain. As for our part, if all offensive weapons systems are removed from Cuba and kept out of the hemisphere in the future, under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean. And as I said in September, "we shall neither initiate nor permit aggression in this hemisphere."

We will not, of course, abandon the political, economic, and other efforts of this hemisphere to halt subversion from Cuba nor our purpose and hope that the Cuban people shall some day be truly free. But these policies are very different from any intent to launch a military invasion of the island.

In short, the record of recent weeks shows real progress and we are hopeful that further progress can be made. The completion of the commitment on both sides and the achievement of a peaceful solution to the Cuban crisis might well open the door to the solution of other outstanding problems.

May I add this final thought in this week of Thanksgiving: there is much for which we can be grateful as we look back to where we stood only 4 weeks ago—the unity of this hemisphere, the support of our allies, and the calm determination of the American people. These qualities may be tested many more times in this decade, but we have increased reason to be confident that those qualities will continue to serve the cause of freedom with distinction in the years to come.

[2.] Secondly, I would also like to announce that I have today signed an Executive order[1] directing Federal departments and agencies to take every proper and legal action to prevent discrimination in the sale or lease of housing facilities owned or operated by the Federal Government; housing constructed or sold as a result of loans or grants to be made by the Federal Government or by loans to be insured or guaranteed by the Federal Government; and housing to be made available through the development or redevelopment of property under Federal slum clearance or urban renewal programs.

With regard to existing housing facilities constructed or purchased as a result of direct loans or grants from the Federal Government, or under Federal guarantees, or as a result of the urban renewal program, I have directed the Housing Agency and other appropriate agencies to use their good offices to promote and encourage the abandonment of discriminatory practices that may now exist.

In order to assist the departments and agencies in implementing this policy, and to coordinate their efforts, I have established the President's Committee on Equal Oppor-

[1] Executive Order 11063 (27 F.R. 11527).

tunity in Housing. It is neither proper nor equitable that Americans should be denied the benefits of housing owned by the Federal Government or financed through the Federal assistance on the basis of their race, color, creed, or national origin.

Our national policy is equal opportunity for all and the Federal Government will continue to take such legal and proper steps as it may to achieve the realization of this goal.

[3.] And finally, over the last weekend, the Chinese have made great advances in northeastern India. Now they have offered some kind of cease-fire proposal and we are in touch with the Indian Government to determine their assessment of it. In order to better assess Indian needs, we are sending a team to New Delhi, headed by Assistant Secretary Averell Harriman, including Assistant Secretary of Defense Paul Nitze and other representatives of the Defense Department and State Department. It will leave tomorrow.

In providing military assistance to India, we are mindful of our alliance with Pakistan. All of our aid to India is for the purpose of defeating Chinese Communist subversion. Chinese incursions into the subcontinent are a threat to Pakistan as well as India, and both have a common interest in opposing it.

We have urged this point in both governments. Our help to India in no way diminishes or qualifies our commitment to Pakistan and we have made this clear to both governments as well.

[4.] Q. Mr. President, with respect to your no-invasion pledge, there has been considerable discussion and speculation in the press as to the exact scope of this pledge. I believe that Chairman Khrushchev, in his letter of the 28th, made the assumption, or the implication, or the statement, that no attack would be made on Castro, not only by the United States, but any other country in the Western Hemisphere. It appeared to be an implication that possibly you would be willing to guarantee Castro against any and all enemies anywhere. Now I realize that in your letter there was nothing of that sort and you've touched on this today, but I'm wondering if you can be a bit more specific on the scope of your no-invasion pledge.

THE PRESIDENT. I think that today's statement describes very clearly what the policy is of the Government in regard to no-invasion. I think if you re-read the statement you will see the position of the Government on that matter.

Q. Mr. President, in speaking of "adequate verification," does this mean that we insist upon onsite inspection? Would we be satisfied with anything less than actual, on-the-spot inspection in Cuba?

THE PRESIDENT. Well, we have thought that to provide adequate inspection, it should be onsite. As you know, Mr. Castro has not agreed to that, so we have had to use our own resources to implement the decision of the Organization of American States that the hemisphere should continue to keep itself informed about the development of weapons systems in Cuba.

TASS STATEMENT DENIES SOVIETS BUILD SUB BASE IN CUBA

TASS STATEMENT

[Text] Moscow, October 13 TASS—TASS has been authorized to state that the Soviet Union has not built and is not building its military base on Cuba and is not doing any thing that would contradict the understanding reached between the governments of the USSR and the United States in 1962. Any assertions on "possible violations" by the Soviet Union of the above-mentioned understanding are a concoction. The USSR has always strictly adhered to this understanding, will adhere to it in the future, too, and proceeds from the assumption that the American side will also strictly fulfill this understanding.

A propaganda campaign has of late been conducted in the United States concerning an imaginary "Soviet threat" to the Western Hemisphere. In so doing the American press is spreading concoctions that the Soviet Union allegedly began building on Cuba "a permanent strategic naval base for its nuclear submarines." Such kind of statements are also voiced inside the American Congress. This campaign was opened with statements of official Pentagon and White House spokesmen that called in question Soviet observance of the well known understanding of 1962, reached between the governments of the USSR and the United States.

In this context TASS has been authorized to state that the Soviet Union has always strictly adhered to the understanding reached in 1962, will adhere to it in the future, too, and proceeds from the assumption that the American side will also strictly fulfill this understanding.

Any assertions on "a possible violation" by the Soviet Union of the above-mentioned understanding through the construction of a naval base on Cuba are a concoction, since the Soviet Union has not built and is not building its military base on Cuba and is not doing anything that would contradict the understanding reached between the governments of the USSR and the United States.

It is well known that the Soviet Union, in general, condemns the building of military bases by some states on the territory of other states. More, the Soviet Government has repeatedly made specific proposals at relevant UNO agencies and the Disarmament Committee for the dismantling of foreign military bases on alien territories.

As for the use of the world ocean, the Soviet Union strictly adheres to operating principles and rules of contemporary international law. Soviet ships and vessels enter ports of foreign states, including ports of the Republic of Cuba, on official visits and business calls, they do so with the permission of the government of the state concerned. It is obvious that such calls are an inalienable right of sovereign states, universally recognized and confirmed by many centuries of international practice.

The question arises who needed all the concocted clamour around a construction of some Soviet naval base on Cuba and why it was needed? It is clear to everyone that such kind of insinuation plays into the hands only of those who are interested in fanning the war psychosis and complicating the situation in the region of the world. There who deliberately or irresponsibly are taking up and spreading such falsifications play into the hands of the foes of peace.

The Soviet Union, proceeding from its peaceable foreign policy, will continue consistently pursuing a course according with the interests of relaxation of tension, irrespective of the region of the world involved, of improvement of the international situation, and strengthening world peace.

EXHIBIT 2

WHITE PAPER ON SOVIET MILITARY BUILD-UP IN CUBA BY DR. MANUEL J. REYES FOR INSERTION IN THE CONGRESSIONAL RECORD DECEMBER 30, 1970

INTRODUCTION

In the city of Miami, Dade County, State of Florida, on the 24th day of the month of December, 1970, I issue this "white paper" to denounce the Russian military invasion of Cuba, which is an evident, real and actual threat to the security of the Western Hemisphere. I also make this document public to pay respect, homage and admiration to the Patriotic Cuban Resistance, whose members, risking their lives, have obtained and furnished the foregoing data. The Patriotic Cuban Resistance has advised that the noble Cuban population, rejecting tyranny and slavery, is about to uprise in a violent explosion, even though there are many Russian soldiers and much military equipment in Cuba. The Cuban people hope that Cuba will not be a replica of Hungary and Czechoslovakia in the American Continent, which would only be a shame and an insult to the Western Hemisphere.

Information obtained from the Patriotic Cuban Resistance, suggests that where this internal uprising takes place, many soldiers of Fidel Castro's red regime, will join the new Cuban liberators, regardless of who opposes this, and who dies for this . . . Cuba will be free with the coordinated efforts of all Cubans.

FACTS

On August 7, 1962, I denounced for the first time over television in the United States, that there were 5,000 uniformed Russian soldiers in the neighborhood of the Canimar River, in the province of Matanzas, Cuba. The information was denied in different spheres of the free world. Twelve weeks later, the 1962 October crisis took place, which not only made the world shake, but also put the world on the edge of a thermonuclear war.

On April 28, 1969, I denounced for the first time in six years, a new Russian military build-up in Cuba, taking into consideration the information furnished by the Patriotic Resistance on the island. The report was received with a lot of skepticism; nevertheless, it was evident that the Russians were going to increase their military position in Cuba, after Fidel Castro publicly announced toward the end of 1968, his support of the Russian invasion of Cezchoslovakia. On July 26, 1969, a Russian naval fleet visited the island. It was said that the fleet made a courtesy visit.

On November 9, 1969, Marshal Grechko, Minister of Defense of the Soviet Union, arrived in Cuba. It was said that he was visiting the island to study the reasons for the deterioration of the Russian arms and military equipment given to the communist troops of Castro. The Resistance informed us that Grechko visited many Cuban caves.

On April 10, 1970, I reported that Castro had tripled the number of missile boats which teledirected missiles, torpedo type, from surface to surface, with a 40–50 mile range.

In June 1970, the Intelligence Service of the United States Coastguard Service testified before the U.S. Senate's Subcommittee for Internal Security, confirming the assertions I had previously made.

On May 14, 1970, a second Russian naval fleet went to Cuba and this time, as previously supposedly for supplies. The third Russian fleet went to Cuba on September 9th, causing official speculation that the Soviet Union was building a nuclear submarine base in Cienfuegos. We had already advised the American Congress of this fact, before the Congressional Subcommittee for Inter-American Affairs, on July 27, 1970.

The fourth Russian fleet arrived in Cuba on December 7, 1970. Two Russian naval squadrons thus met in Cuba for the first time, since there were still Russian war ships which arrived there on September 9, 1970.

The aforementioned are the facts which have prompted the publication of this "white paper."

INCREASING SOVIET MILITARY BUILDUP IN CUBA

Following is the way in which the Russian military invasion in Cuba has been developing.

I want to make it very clear that I am not a military expert, and I do not have the means to verify all technical matters; I feel it is my duty to publish the facts, figures and evaluation which have come into my possession. For many years, I have gathered data from the Cuban underground. So, today, it is not only my voice addressing you, but the voice of the millions of Cubans who are suffering in the island; the voice of many Cubans who are actually risking

their lives, working in the underground and furnishing us information that otherwise we would not know, and the voices of many Cubans who have told the truth upon arriving in this land of freedom.

Cuba today is a natural aircraft carrier of the Soviet Union, consisting of 900 miles entrenched in the heart of this Hemisphere and 90 miles from the United States of America.

We are going to try to show that this enemy aircraft carrier has turned into the Trojan Horse which externally does not show the large military installation and tactical arms under Cuban soil.

Let us start by saying that Cuba is naturally rich in minerals, such as nickel, copper, chrome, cobalt, iron and manganese. Cuba has always been considered as the second country in America in iron reserve. The first one being Venezuela. Cuba is the third country in the world in nickel, cobalt, chrome, and manganese. At time of wars, Cuba has been considered as the first producer of some of the aforementioned minerals.

In 1960, a military study was initiated in Cuba, by the Cuban geologists and Soviet Military Personnel, who covered all the natural features of the island, including the keys, for the purpose of using these facilities for military ends, such as the storage missiles, munitions, reserve weapons, fuel, communications, medicines, and different routes in and out. In this study, it was specially taken into consideration the many natural caves in Cuba.

Many of these caves have been reinforced with 6'' wide concrete. Work of this nature, of military character, has been done in the "Sierra de los Organos" in the province of Pinar del Rio, in the "Sierra de Lupe," in Oriente Province, and in "Altura Central" in the Isle of Pines.

I think we can show the extent of this construction by the following figures: Up until 1958, Cuba produced 4 million barrels of cement a year; each barrel was equivalent to four sacks of cement and each sack weighed 130 lbs. There were four cement factories in Cuba with the aforementioned annual production working eight hours daily. All of this cement was used for civil construction and export, never for military purposes. When Fidel Castro stole power in Cuba, he greatly increased the cement production of the Island. What has been the destiny of this cement? It has definitely not been used in urban or rural construction for the people. There is only one answer to this question: That enormous quantities of cement have been used for the military underground construction by the Soviet Union and the Castro regime in Cuba.

In 1963, great shipments of hydraulic cement were sent from Belgium to Cuba and were unloaded at the Cienfuegos Bay. The hydraulic cement is not precisely for surface construction, rather, this cement hardens at high speed, that is, in a humid area. It is understood that the hydraulic cement was used for underground construction for the storage of missiles and weapons with high humidity coefficient. In 1963, only in this occasion, more than 300 cement trucks were unloaded in Cienfuegos and took off to an unknown destiny. However, the Cuban underground has pointed out that said cement was taken to the missile base of "La Campana", in Manicaragua. This base is located in the farm formerly owned by a German-American by the last name of KOOP.

On the Isle of Pines, there are natural marble caves. The resistance of the marble structure of the caves is tremendous against any external bombing. The Isle of Pines also possesses silicon and clay riches.

Cuba today is a maze of underground works built by the Soviet Union and the Castro regime in order that the Soviet Union can be able to take out of Cuba the nickel, chrome, cobalt, copper and manganese.

Without fear to be in error, we can affirm that in Cuba there are actually more than 3,000 pre-built or natural caves, adapted by the Soviet Union and the Castro regime with strategic military goals. Cuba, *today*, is the Trojan Horse of America.

At this time, it had been told that there is an average in Cuba of 20,000 to 30,000 Soviet soldiers, and are scattered in different military bases throughout the Cuban national territory.

We must bear in mind that on July 26, 1962, Russian military troops landed in Cuba at the Dubroc docks in the Province of Matanzas, using new pier inlet of "Mar y Melena" and at Mariel Bay, in Pinar del Rio province.

We all know that it was said that the Soviets had dismantled the missile bases after the October 1962 crisis, but, did the Soviet soldiers leave Cuba. Or are they still there? Have the dismantled bases been reactivated again? Did the Soviets really remove the missiles from Cuba? The Cuban people understand they did not, and I reaffirm it on behalf of the Cuban people.

As a final data in this general analysis, let us say that the Castro regime has been building different underground hospitals, among which are the "Sierra de Cristal", in Oriente province, near the Nipe and Levisa bays. Also, there is another underground hospital in "La Loma de San Vicente", on the road going from Santiago de Cuba to Guantanamo.

Ninety percent (90%) of the fuel reserve in Cuba and many ammunition dumps. are underground, and in an unmerciful way, the others are being used under the schools. Exactly a year ago, there was a terrible explosion at the former Jesuit "Belen" School, which Fidel Castro attended as a youngster. Eight girls were killed and more than 20 were injured. The Cuban resistance informed that the explosives placed in the school's basement caused the explosion.

All the Soviet system in Pinar del Rio is protected by a perispheric radar from the "Anafe" hill near Havana. This radar system perfectly covers the provinces of Pinar del Rio and Havana, and sweeps the Northwest and Northeast sections. It took three years to build this perispheric radar system and this took place after the 1962 October crisis.

Following is a description by sequence of provinces of the military Soviet bases.

PINAR DEL RIO

Pinar del Rio is one of the places where the Soviets, for years, have worked most. In Santa Lucia there is a sulpometals plant to produce acids used in the functioning of missiles. Two of the principal ports with military Soviet objectives are Mariel and Cabanas ports. Both naval installations are being exclusively worked by the Soviets and they do not let Cubans, even if they are soldiers, come near by. At the Cabanas port, they have established the bases of the Komar missile guided boats. This year, the number of these boats has been tripled to the approximate figure of 70. These boats are provided with two missiles each, guided by radar and with a range of 40 to 50 miles. They are considered offensive weapons and the missiles are surface to surface type.

In "La Gobernadora" hills, near the Sierra de los Organos, there is a military base which has internal train rails. They used to be mines. All of its exterior gives a reddish impression. At "La Gobernadora", also known as "Cangre" or "San Cristobal", and which is near the town of Canadelaria, we find the General Russian Headquarters for the Western side of Cuba. The altitude of the hills is approximately 1,870 feet. The Soviets have constructed a road from "El Cangre" which goes as far as "Cabanas" and "Mariel". They also have electric lines of 33,000 volts, all of which is very necessary for missiles. The same electric voltage system is the one used at the "Campana" base in Manicaragua, Las Villas province. Following the Pinar del Rio analysis, we can say that south of "Quiebra Hacha", the Russians have constructed a residential district where no Cuban is allowed to live, that is, it is strictly for Russian officers. The residential district aforementioned is surrounded by wire fences. They have also built tunnel systems from "El Cangre", which leads to the exterior of Kilometer No. 4 of the road that joins Cayajabo, with the town of Artemisa. During the first week of November 1970, a military Soviet convoy was detected at the Central road of Pinar del Rio, parting from "Las Mangas" village toward the Southwest.

HAVANA PROVINCE

In the Province of Havana, there is a big Soviet military base in San Antonio de Los Baños. The resistance reports that in this base there exists a 140-mile radar scope and from there, they can track the planes from Homestead Air Force base and Boca Chica in Key West. This base is one of the top three air bases of the Soviets in Cuba and it is the headquarters for the Soviet Migs 21. There are no Migs 21 in other air bases in Cuba. The bases are defended and protected by ground to air missiles, the SAM–2 class.

There is also an executive radar system in Havana, at the former Commodore Hotel, in the middle of a Russian neighborhood, as is the Reparto Miramar (residential district). The SAM missile system initiates in the hills of Averhoff in the Havana-Batabano highway and closes in Managua-Dayaniguas. In Campo Florido, Havana province, there is a SAM missile base camouflaged with an alleged pacific farm known as "Camilo Cienfuegos" and since 1962, in its underground, the Cuban resistance believe the Russians have hidden the medium missiles which never left Cuba.

At "Las Cabreras", there is a Russian military complex to which Cubans have no access. In this military complex, there is a guerrilla training camp for foreigners and the Russians are in charge of this training. One of the principal Soviet bases in Havana is at the Managua camp. The Cuban resistance indicates that in this place, there probably is one nuclear reactor, even though Castro's regime maintains that the same is for peaceful ends. Apparently, the nuclear reactor arrived in Cuba in 1968, and it is no indication so far that this is intended for pacific ends.

The Cuban Commission of Nuclear Energy is based in Managua, directed by Luis Larragoitia; different electrical power lines have been built from Mariel, Havana and Matanzas, to feed the nuclear reactor in Managua. It is estimated that over a thousand Russian soldiers are in Managua and Santiago de las Vegas.

MATANZAS PROVINCE

The Province of Matanzas, the most important point is the so-called "La Laguna del Tesoro". For many years, the Castro Regime has been investing millions of dollars in construction equipment and in different buildings which he said to be of tourist nature, but since the beginning, the "Laguna del Tesoro" has been totally closed to the public and only military personnel, Soviet and Castroist, is within this zone. Therefore, we presume there is a base of military nature.

LAS VILLAS PROVINCE

In Las Villas Province, there is another big Soviet base between Santa Clara city and Calabazar, at a place known as "Malezas". In this base only, Soviet Migs 17 and 91 are found. The base has an anti-aerial defense system and an artillery made up by multiple machine guns as well as a duplex cannon known as "KAR–30", against low range flights. This base, as well as that of San-Antonio de los Banos, has underground hangars with special elevators to bring to the ramps the Soviet Mig fighters.

Also, in Las Villas can be found the so-called missile base of Remedios, better known as "La Puntilla" or "Bartolome" base, where

they had ICMB's during the October 1962 missile crisis. In the Escambray, the Soviets recently built a road from Guirade Miranda to the Loma de los Vientos. Nobody knows what they have in these hills, but it is known that only Soviet personnel work there, and that they have transported lead units.

CAMAGUEY PROVINCE

In Nuevitas, they are building a big cement factory and one of electrical power. At the Camaguey airport, the Soviets have prepared additional access strips using for this, not the airport itself, but the highway which goes from Camaguey to Nuevitas. They have taken out the islands in the middle of the road, the palm trees and they have smoothed and strengthened the pavement. They have made it possible that this highway at a future time, can be converted into a landing strip.

In the island of Turiguano, in the middle of a swamp, there is a hill 385 feet high and on one of the hillsides, the Russians built tunnels and storaged rockets. Eye witnesses have indicated that said rockets are moved on train rails. Two doors close the entrance of the tunnel. The exterior of the cave is camouflaged with grass and trees.

All the keys of the Bahamas canal are fortified by the Soviets. Its naval strategic value is enormous, since from that place they can control the traffic from Panama and South America, through Maisi. This position does not allow them to use submarines.

ORIENTE PROVINCE

Surrounding the U.S. Naval Base of Guantanamo, the Soviets and the Castro regime, have a military outfit known as "Batallon Fronterizo" (Frontier Batallion). This batallion possesses a missile system for their own protection. It also has armored units of tactical fire. Around the "Gran Piedra" hill, the Soviets have built several underground installations, and it is unknown what the Soviets have stored therein.

Another two points of great military strategy in the Province of Oriente, are as follows:

(1) The air force base of Holguin city, considered as the largest in Cuba, and in which there are only Migs 15 and 17. In the outskirts of Holguin, they have built a residential section known as "Lenin", wherein only Russian military personnel live. The hangars of this air force base, as well as those of San Antonio de los Banos and Las Villas, are underground.

(2) The military base of "Punta de Mula" or "Punta Lucrecia" in the city of Banes, is considered a first-class base and has a 10-mile radius. In its area, the Russians have built a Naval Base for the KRONSTADT and KOMAR boats. Some years ago, Russian submarines were sighted in their vicinities, making military maneuvers. These bases are near the mines that are producing copper and cobalt and which is being exported to the Soviet Union.

The support for Soviet underground defense in Oriente Province is in the underground system of San Vicente hill near the Boniato mountain; the other support is in "La Sierra de Cristal" near Nipe bay. There is a zone in Nipe bay, absolutely secret to which nobody has access.

The underground has also reported that in the event of a possible overthrow of Fidel Castro, the communists have designated Oriente province as the main military point of resistance.

Lately, the Castro regime, assisted by the Soviets, has been conducting war games, using antipersonnel gases.

All the military personnel in Cuba have gas masks.

In the middle of 1967, there was a leak of one of the gas tanks in that location and the accident provoked the poisoning of more than 80 persons, including military personnel and civilians. These people were assisted in two hospitals. One is known as the Policlinico of Manicaragua, and the other one the Santa Clara Hospital.

CIENFUEGOS

The Bay of Cienfuegos is in the southern part of Cuba, in Las Villas Province. It is approximately six miles wide.

On July 27th of this year, I said before the Congress of the United States, and now I reaffirm, that in some place, somewhere in the Caribbean, there is a permanent Soviet Naval squadron, headed by a nuclear submarine. The chairman of the Inter-American Affairs Committee of the House of Representatives, Hon. Dante Fascell, asked me where I thought it was based, and according to the information I had from underground sources, I said, either Cienfuegos or Havana.

In April 1963, the regime began to show interest in Cienfuegos, and announced that they were building a shipyard in Cienfuegos City near the port industrial area.

In that year, it was reported that the Castro regime was building ships. The Castro regime said that the yard was only for shipping sugar.

In 1967, the yard was completed at a cost or 8 million dollars and not a single sack of sugar came out of that yard. In 1970, we began to hear about the activity in Cienfuegos City, in Cienfuegos Bay, and especially near Cayo Alcatraz.

From the city of Cienfuegos, in a normal day, Cayo Alcatraz cannot be seen.

Right now, at night, the city of Cienfuegos is under a tremendous shortage of electricity.

So, during the blackouts of the City of Cienfuegos, at night, floodlights can be seen in the horizon. Cayo Alcatraz cannot be seen, but the lights there indicate that people are working on it.

Right in front of Cayo Alcatraz, there is a place called La Milpa. All the Cuban fishermen of La Malpa and the surrounding areas have been ordered out. The place now is a military zone.

An underwater net was put in Cayo Alcatraz and also at the entrance of Cienfuegos Bay.

The entrance is under surveillance of Russian guards. Several months ago, a huge Russian ship entered Cienfuegos Bay and stayed there for several weeks.

On this month of December, the Russian ship has returned and it has been anchored in a spot between Cayo Alcatraz and Cayo Ocampo.

In the second half of this year in Cienfuegos city, Soviet sailors have been seen walking the streets wearing full uniform. The Russian sailors were transported by six British Leyland Buses. They were taken back and forth from Cienfuegos city to nearby Cayo Alcatraz.

Three-quarters of Cienfuegos Bay have been banned to Cuban people and is operated by Russian personnel. There is a big pipe line from the bottom of Cayo Alcatraz to Cienfuegos city. In Cayo Alcatraz, the Russians have established large warehouses for military storage. A powerful radio station has been built and they have put a naval headquarters there.

Around the middle of December, two huge TU 95 Bear planes from the Soviet Union landed in Havana. Both planes were kept at Havana International Airport, in Rancho Boyeros.

On those planes, two Soviet Admirals came into Cuba. Neverless, the Cuban underground reported that one of these big military planes, capable of transporting missiles or nuclear weapons, had a number 38 on it. Later on, the Russian admirals were seen in Cienfuegos city at Punta Gorda. They took a boat and with three Russian civilian engineers went to Cayo Alcatraz on several occasions.

Near the inlet of Las Calabrazas the Russians have built an eight lane road toward the Escambray Mountains. No civilians are allowed on that road. In the Escambray Mountains, there is a place called the Hill of the Winds, (Loma de los Vientos), where the Russians have been working for almost eight months. No Cubans are allowed in that vicinity. The underground reported that lead unit ingots have gone into the Hill of the Winds.

Possibly one of the largest barges in the world, was sighted in Cienfuegos Bay in this month of December. The Russians own it and it is manned by 303 Russian sailors. In Cienfuegos Bay, there have been two other large Russian barges. In September, the barges left Cienfuegos Bay and went into El Mariel Port, in Pinar del Rio Province, on the northern part of Cuba. Mariel is the number one port of the Soviet Union since 1961–1962, and before the Cuban missile crisis most of the offensive weapons were introduced in Cuba through El Mariel Port.

As we know, a Russian nuclear submarine was seen during the period of September 12–20 of this year; first, near Punta de Ladrillos in the western part of Cienfuegos Bay, and side by side with other two regular Russian submarines at Cayo Loco, the former Cuban Navy headquarters.

The previous report of the nuclear submarine in Cienfuegos Bay was sent by the Cuban underground and later on, confirmed by an eyewitness arriving in the United States.

In evaluation of Cayo Alcatraz, it can be said that the place is for maintenance and supplying of the regular and nuclear submarines of the Soviet Union. The nuclear submarines need medicines, food, replacement of crews and rechecking of their missiles. To recheck the missiles, the nuclear sub needs calm waters like the Cienfuegos Bay.

So, Cayo Alcatraz is of a great logistic and military value to the Russians. Plus, Cay Alcatraz is the motor nerve, the center of a large military naval complex of the Soviet Union in the southern part of Cuba. Part of that naval complex of the Soviet Union in the southern part of Cuba. Part of that naval complex is Cayo Largo, 64 miles southwest of Cienfuegos. Since 1961–62, Cayo Largo has been taken over by the Russians. No Cuban fishermen are allowed to go near Cayo Largo. At the western part of Cayo Largo, the Russians built a big pier plus a big air strip. And in the surface of Cayo Largo, the Russians also constructed huge buildings. One of them is five floors high, with elevators. On the southern part of Cayo Largo, there is a wide beach. Close to the beach, the depth is of one, two or more thousand feet.

Part of the naval complex is Isle of Pines. The capital is the city of Neuva Gerona. And the island is almost divided in two by a big swamp. In the bay of Siguanea, west of Isle of Pines, the Soviet Union established the base of the Comsomol Boat with Komar Missiles. These missiles have a distance capability of 40–50 miles and the range of the boat is about 100 miles.

Little by little, all the civilians on the northern part of Isle of Pines, have been forced out to different provinces of Cuba. In the southern part of the island, there were a lot of lumbermen and fishermen, particularly from Great Cayman. They also have been taken out. In 1967, more than five thousand Cuban political prisoners were taken out of the Isle of Pines, because they saw too much. And they were spread through other political prisons in Cuba.

I affirm that the puzzle has been put together. Many times in the past, since April 28, 1969, I reported that different Russian convoys have been seen either in Pinar del Rio, Havana or Matanzas Provinces heading toward south. These convoys have been seen without Castro soldiers . . . Just Russian soldiers!

The solution of the puzzle is this:

The convoys have gone to Surgidero de Batabano, a Cuban port in the southern part of Havana. And from there, Russian soldiers and all kinds of military equipment have been shipped to Isle of Pines or Cayo Largo. All of this leads us to believe that there is a large naval military complex of the Soviet Union in the southern part of Cuba with an operational base on Cayo Largo . . . a position for surveillance in Isle of Pines and the headquarters at Cayo Alcatraz in Cienfuegos Bay. All of this is a potentially challenging Guantanamo Naval Base.

The Caribbean . . . which often has been called the Mediterranean of the western hemisphere, has been always protected by the surrounding nations and particularly, by three U.S. Bases at Puerto Rico, Guantanamo and Panama. But, now the Soviet Union, through Cienfuegos, Cayo Largo and Isle of Pines, is challenging that naval defense of the United States, and the basic routes of navigations in the American Continent are in the Caribbean.

The above concludes my presentation and reaffirms hereby what we said at the beginning, that is, that Cuba on the surface presents a picture which is totally different from what is really happening in caves and underground. Actually, there is another Cuba below that surface that poses a real danger and an actual threat not only to the United States of America, but also to all the nations of the Western Hemisphere.

THE SENATE ACTS CONSTRUCTIVELY ON THE PLIGHT OF JEWISH CITIZENS IN THE SOVIET UNION

Mr. McINTYRE. Mr. President, yesterday the Senator from Kansas (Mr. DOLE) introduced and the Senate wholeheartedly and unanimously passed Senate Resolution 501 concerning the continued injustices suffered by Jewish citizens of the Soviet Union.

This resolution states:

Resolved, That the Senate hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment of the death sentences imposed upon two Jewish citizens of the Soviet Union for an allegedly treasonous act.

SEC. 2. The Senate respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the Senate over these injustices, (2) urge the Soviet Government to commute the two death sentences, and (3) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. President, I fully support this effort, and associate myself with this action by the Senate.

We cannot stand idly by when human beings are sentenced to death for trying to flee from tyranny to seek freedom in the homeland of their people.

I sincerely hope this resolution may act as a trumpet to the leaders of the Soviet Union and the walls of oppression may crumble enough to let these unfortunate humans escape to the life they so desperately, deservedly and rightly seek.

FINANCIAL DISCLOSURE—ELECTORAL REFORM

Mr. SPONG. Mr. President, as this session draws to a close, all of us recognize that despite our lengthy stay here, we leave behind much unfinished work which is of vital concern to the American people.

Particularly disappointing to me was the failure to act on a bill requiring Members of Congress and other high level Government officials to make full public disclosure of their financial assets and sources of income. I believe this bill, together with legislation controlling campaign spending, are essential to restoring public confidence in Government and I will do all that I can to make them priority issues in the next Congress.

Mr. President, of all the bills which have been set aside in this Congress none was more important in my judgment than the constitutional amendment to improve our system for electing Presidents.

The 1968 election demonstrated as never before the dangers of relying on the present electoral college system with the problems it poses of faithless electors, of an outmoded contingency election procedure, and of the possibility of electing a President who had fewer popular votes than his opponent.

A constitutional amendment to scrap the entire electoral college system and to replace it with direct election was passed by the House but became bogged down in extensive committee hearings and debate in the Senate.

Mr. President, I was not one who favored the direct election proposal. I believe that system would create new problems of its own, problems even more serious than the ones it was meant to solve. My objections to direct election and my proposal for a more limited reform were spelled out in a Senate speech on September 16, 1970, and rather than take the time of the Senate to repeat those points, I ask unanimous consent that that speech be printed at this point in my remarks.

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

SPEECH BY MR. SPONG

Mr. SPONG. Mr. President, the purpose of this amendment is to meet the specific defects of our present electoral system without, in the process, risking the profound disruption of our two-party system that I am convinced would follow the passage of Senate Joint Resolution 1.

Briefly, the amendment could be described as a modified Katzenbach plan. Like the proposal offered in 1966 by the then Attorney General and embodied in the amendment which has been introduced by the distinguished Senator from North Carolina (Mr. ERVIN), my amendment would preserve the electoral college system but eliminate electors as such. Division of the electoral college vote on a unit rule basis would become an automatic thing, thus eliminating the problem of the faithless elector.

My amendment would also revise the procedure for selection of the President in the event no person won a majority of electoral votes. In place of selection by the House of Representatives operating on a unit rule basis, my amendment like that of the Senator from North Carolina, provides for selection by a joint session of the Congress with each Member having one vote.

Mr. President, where previous amendments of this kind have been limited to these changes the amendment I am introducing today goes an important step further to provide that a person must win both a majority of electoral votes and a plurality of popular votes to be named President. Unless both of these tests are met the election would be decided by the Congress meeting in joint session as I have described.

In fact, there has been only one occasion in our history when the electoral college has elected a President who had fewer popular votes than his rival candidate. That was in 1888 when Benjamin Harrison was named to the office even though he had about 100,000 fewer votes than Grover Cleveland. In all other instances, however, the electoral vote has faithfully followed the decision at the polls even in such close contests as we had in 1960 and 1968.

Nevertheless, as rare as such an incident has been, I believe it is important for public confidence on our electoral system that we remove any chance that it will happen again. And it could not under my amendment which, in effect, converts the electoral college system into a direct popular election. But by retaining the electoral division of votes it avoids all of the problems of proliferating parties and splinter candidates that a simple popular vote would induce.

A system of direct election would almost certainly encourage this kind of development and I do not believe any of the amendments to the direct election proposal fully meet the danger. Whether with serious thoughts of winning or merely to spoil another candidate's chances and winning some bargaining power in the process, every candidate with some popular following and the means to finance a campaign would be tempted to enter the race.

Even more, there would be a premium on distinguishing oneself from all other candidates in the field by taking more extreme positions or emphasizing one or two issues to the exclusion of all others.

The great virtue of our present winner-take-all electoral system is that it discourages such single issue or ideological candidates by requiring a base of support broad enough to carry a majority in at least a few States. Historically, it has been this requirement that has prevented the factionalization of politics in this country and which has made our parties the broad-based, accommodating groups that alone can assure stability in a democratic government.

The direct election proposal even with the amendments which have been offered would not assure the election of a President who is the choice of a majority of Americans. Moreover, by eliminating the electoral college system, it cannot assure that the President even has a broad base of support in the country for his 40-percent plurality could as easily as not be concentrated in a few heavily populated areas.

There are other drawbacks to the direct election proposal. For example, it would certainly increase the cost of campaigns and with runoffs taken into account, it could make our highest political office a rich man's prize.

Moreover, without the protective buffer of the electoral college system, every vote would take on increased importance and become the object of intense and divisive postelection challenges. It could also enhance the profitability of corrupt voting practices.

To point out these weaknesses in the direct election proposal is not to argue that our present method of electing Presidents is the best of all possible system. Rather, it is to counsel the utmost caution in tampering with a system that is basically sound and which has served us well for more than 180 years.

There are shortcomings in this system, particularly with the problem of the so-called faithless elector and with the provision for choosing a President in the event the electoral college does not produce a majority.

These proposals can be solved much more simply than is proposed in the direct election amendment and I believe my amendment accomplishes that. First, it would eliminate

electors as such and make the division of electoral votes an automatic thing. Second, it would improve our method for naming a President outside the electoral vote system by making it a matter for the entire Congress to decide—Senate and House—with each Member having one vote.

Finally, and most important, this amendment assures a direct popular voice in the election of the President by requiring both an electoral majority and a popular plurality.

I urge the Senate to adopt this amendment.

Mr. President, I ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. SPONG. Mr. President, I am convinced that for there to be any chance of reforming the electoral college, there will have to be some mutual give on the part of those who want to do away entirely with the present system and those who would just as soon see things remain as they are. I believe this amendment offers such a balanced approach and I intend to reintroduce it in the new Congress. It eliminates the recognized defects of the present system while retaining those aspects which have served this country so well for 200 years.

Mr. President, because my amendment was not considered in committee hearings on the subject, I have asked most of those who testified at the hearings, as well as other authorities in the field, to comment on my proposal. In fairness to many of those who wrote, I should note that their comments were made at a time when it appeared that the Senate might agree to vote on an amendment along the lines of my proposal. As the letters themselves make clear, some of these witnesses prefer another plan as a first choice, but would endorse my amendment as a constructive step forward if it appeared that it had the best chance of passage. It is just this kind of willingness to accept a middle position that I believe will be required to make progress toward solution of this problem.

I should add, too, that not all these letters endorsed my amendment. Nevertheless, I found the comments valuable and am including them together with the more favorable letters. Mr. President, at this point, I ask unanimous consent to have made part of my remarks several letters commenting on my amendment.

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

CENTER FOR ADVANCED STUDY
IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., November 2, 1970.

Hon. WILLIAM B. SPONG, JR.
Senate Office Building,
Washington, D.C.

DEAR BILL: This is in reply to your letter of October 12, concerning your amendment to the Electoral Reform Bill (S.J. Res. 1).

I think your amendment would meet most of the objections to S.J. Res. 1, and I congratulate you on working it out. If put to a choice between your proposal and S.J. Res. 1, or between your proposal and S.J. Res. 1 amended in accordance with the Tydings-Griffin suggestion, I have no doubt how I would come out; I would favor your proposal. But I have to say that I do not think your proposal meets all the objections to S.J. Res. 1—I know that you are as well aware of this yourself as I am—and for this reason, I continue to prefer the so-called Katzenbach Amendment as introduced by Senator Ervin.

I think your proposal deals substantially with the threat to the two-party system by deterring ideological third-parties almost as well as the Electoral College now does. Almost as well, but not quite as well, since at present it wouldn't matter what percentage of the popular vote a third-party candidate siphoned off from the winner, whereas under your proposal there is a chance that if the third-party candidate siphons off just enough of the popular vote from the right major-party candidate, he can throw the election into Congress, even though there is an Electoral-College winner. But I concede that this is a relatively minor and highly speculative point.

Quite as much as the present system, your proposal, I believe, would ensure that each candidate for President has an eye not only to the total vote that he will get, but also to its distribution. This is in my view desirable. Under your proposal, however, the position of leverage, of disproportionate leverage, that in some circumstances is available to swing groups in the large industrial states, or perhaps at times to combinations of small states, will in some degree be diminished by the requirement that the winner have both a plurality of the popular vote and a majority of the electoral vote. However, again, the point is minor and somewhat speculative.

One difficulty that your proposal does not meet is the trouble with recounts and charges of fraud that Theodore White emphasized at the hearings last spring, and that Ernest Brown has written about.

In sum, then, I think your proposal is a tremendous advance over S.J. Res. 1. The choice between it and the Katzenbach Amendment comes down to a question of how much do we fear a recurrence of what happened only once in our history, and can happen only in the closest of elections, namely the election of a true minority President? This prospect frightens me, on the whole, less than the prospect, also in a close election, of recount difficulties with the popular vote on a nationwide basis, and so on balance I continue to prefer the Katzenbach Amendment, even though your proposal runs it a close second.

Best regards.

Sincerely,

ALEXANDER M. BICKEL.

ARLINGTON, VA., *October 18, 1970.*

Senator WILLIAM B. SPONG, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: Your letter of October 12th concerning your proposed amendment to S.J. Res. 1, addressed to me at the University of Pennsylvania Law School, has been forwarded to me here. I am at present working on the staff of the Tax Division of the Department of Justice in Washington.

Since I testified on S.J. Res. 1 before Senator Ervin's subcommittee earlier in the year, I think I should give you my opinion on your proposed amendment, and I should be glad to have you convey it to Senator Ervin if you wish. Of course in doing so, I speak only for myself, and not for the Tax Division or the Department of Justice.

I think your Amendment No. 963 is the best proposal for change in the system of presidential election that I have seen, and I am glad to endorse it heartily. As you note, it eliminates the faithless elector problem, improves the contingency election system (including having only two, and not three, slates before the joint session for choice), and eliminates the possibility of a repetition of the 1888 Harrison-Cleveland situation.

Your amendment also removes the run-off proposal, which seems to me clearly the most unfortunate aspect of S.J. Res. 1 in its present form. It also eliminates, and I believe wisely, the rigid 40% figure that has featured both S.J. Res. 1 in its present form, and several proposed variants. That fixed figure could lead to particularly confused and unfortunate election contests. It might also, even without a run-off feature, give incentive to a multiplicity of candidates who might see advantage in fractionating the popular vote and forcing a contingency election.

Your amendment also gives Congress authority to enact laws governing the conduct of presidential elections similar to its authority with respect to elections of Senators and Representatives at present. Most people think that Congress has authority over "federal elections", but of course the fact is that constitutional power with respect to presidential elections is very tenuously based. Your proposal remedies that defect.

Your proposal would still leave a possibility of nationwide election contests if the popular vote was close. That has seemed to me one of the negative aspects of S.J. Res. 1. However, it is not the most serious, and it seems to me that it is more than counterbalanced by the many favorable features of your proposal.

If it is possible to get favorable action on your proposal during the current session of Congress, it seems to me that it is the one plan so combining all of the desirable features of the several proposals that it might well be ratified prior to the 1972 elections. I am glad to give it my approval and endorsement.

Sincerely yours,

ERNEST J. BROWN.

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., November 17, 1970.

Hon. WILLIAM B. SPONG, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: I have examined Amendment Number 963, the revised version of S.J. Res. 1 which you submitted on September 29. I understand that Senator Bayh, persuaded that his proposal cannot be adopted at this session of the Congress, has agreed to support your proposal. Since, in my judgment, your proposal, although not a cure-all for every actual or potential defect in our system of presidential elections (nor do you claim it to be), would clearly be a major advance over the constitutional arrangements which now prevail, I gladly endorse it as the one sound plan of reform which holds some real possibility of commanding sufficiently widespread support so as to gain congressional approval, for submission to the states, in the foreseeable future.

The single difficulty of consequence which might arise under your proposal is, I think the possibility of multiple challenges to the several state ballot totals in the event of an extremely narrow national ballot margin. I see no reason to believe, however, that we cannot develop mechanisms under which such challenges can be resolved confidently and expeditiously, even as they are now routinely resolved at local and even state-wide levels. And I think we ought to accept the responsibility of facing and mastering this technical difficulty in order to achieve the indisputably important gains which your proposal offers—elimination of the "faithless elector," and assurance that in the hopefully infrequent "contingency election" the congressional choice would be narrowed to two choices (thereby dissipating most of the stimulus underlying the kind of regional "swing" candidacy which Governor Wallace so nearly constituted in 1968). (In addition, I favor having all members of Congress participate, as individuals, in any such "contingency election".)

In sum, your proposal seems to me deserv-

ing of support because it (1) retains those best features of our present arrangements which you, and Senator Ervin, and others are (quite properly in my view) most reluctant to disturb, and (2) eliminates major potential defects which constantly overhang our present arrangements with grave threat to their integrity. I congratulate you on having developed this statesmanlike compromise and I wish you well in your efforts to secure congressional approval for it.

Sincerely,

LOUIS H. POLLAK.

P.S.—One technical matter: If I read your proposal accurately, it would *sub silentio* do away with what is now an effective (albeit not a literally binding) prohibition on having both the President and the Vice President come from the same state. See the Twelfth Amendment. I suggest that it may be worth giving some thought to the desirability of inserting a provision which would give unquestioned constitutional force to this probably desirable tradition of geographic dispersal of political authority: this could be accomplished by inserting on line 13 of page two a comma where the period now appears (after "ballot"), to be followed by the clause: *"Provided* that the candidate for President and the candidate for Vice President shall not on election day be inhabitants of the same state." (I have used the term "inhabitant" because it is the term which is now used in the Twelfth Amendment, but I set no great store by this terminology.)

ARMONK, N.Y., *November 10, 1970.*

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I hope you will excuse my delay in responding to your letter of October 12 with respect to the Electoral Reform Bill. Between problems here at IBM and interest in the elections, it has been a busy month.

I have studied your ingenious compromise proposal, and while I am taken with it in some ways, I think that it raises difficulties which would not be present if we preserved the electoral system, but put it on an automatic basis. While I agree that the Harrison-Cleveland situation is extremely unlikely to develop, I think this is more likely to be true if we preserve the electoral college system than if we put in the Constitution the added bait of popular vote. This does give splinter parties an additional target to shoot at, with the objective of throwing the election into the Congress. Whether this bait would in fact prove attractive, I have no idea. Clearly it would be less attractive under your proposal than it would be under a direct popular vote election.

I really start my analysis with three biases: (1) the two-party system is a good thing for the United States, and we do not wish to encourage third parties except, perhaps, in their historic role of influencing the two major parties; (2) the electoral system, however illogical it may appear, has in fact worked well in the United States; and (3) it is better to have a President named by the people, whether by direct vote or by electoral count, than it is to have a President chosen by the Congress. I feel very strongly on the last point, and I think the job of governing for four years under such circumstances would be an extremely difficult one. It is difficult enough if the election is close.

Because I have great respect for the Congress, I do not wish to have my remarks about the undesirability of their electing a President misunderstood, or taken as cynical ones. While it is possible that the Congress could weigh the factors you suggest in the event that a candidate does not achieve both an electoral majority and a popular plurality, I simply do not know how the Congress should weigh these factors. I think there would be considerable public resentment whatever the outcome, and I really cannot imagine the criteria which the Congress would find convincing. The importance of the Presidency to a political party would, in my opinion, be far more likely to weigh heavily in the minds of members of Congress than the other arguments which might be made—particularly since I cannot see how these other arguments could be persuasively made. Either we should elect the man with the electoral majority or we should elect the man with the popular plurality. And I see no reason why we should not make this choice in advance, rather than leave it to be decided in the context of a particular election. As you know, I would opt for the electoral college majority. I do not have great conceptual or ideological difficulty with the popular plurality, but I think it does change our system in ways unknown to us and that it raises a number of technical difficulties which have been well thrashed out by the Senate. Incidentally, those difficulties would unhappily remain in your proposal.

I do sincerely respect the efforts you and others have made to resolve the current impasse with respect to the proposed amendment. I am sorry to be so negative about it. I think I come to the conclusion that any effort to combine the electoral college and popular voting raises the difficulties of both and gives the advantages of neither. As I have said, I prefer the automatic electoral solution. I am not strongly opposed to the direct popular voting, although I confess I do not know how to resolve many of the difficulties which have been raised with respect to it. But I think that a combination of the two would be likely to result in throwing more elections into the Congress, and I do not believe this would make the country easier to govern.

It was good to hear from you. My best wishes go with this letter, a copy of which I am sending to Senator Ervin since he has made a similar request.

Sincerely,

NICHOLAS DEB. KATZENBACH.

Re: Presidential Election, *"Compromise" Amendment.*

THE NATIONAL LAW CENTER,
November 13, 1970.

SENATOR WILLIAM B. SPONG,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: You have asked me, on the basis of my mathematical-computer analyses of the Electoral College and other experience, to comment on your proposed "compromise" amendment to S. J. Res. 1 which would provide that the President would be selected by the Congress unless one candidate for the office secured *BOTH* a majority of the existing Electoral College vote *AND* a plurality of the total popular vote. Although I greatly admire your efforts to resolve the current impasse and to improve the admittedly defective existing mechanism, your plan appears to have many of the disadvantages of both systems and some additional ones which have not been considered, much less studied. Although compromise is the lifeblood of politics, and although there may be a pressing need for an amendment during this session, I believe that this last-minute compromise cannot help but be an ill-conceived experiment involving the most basic of Constitutional rights and an institution which lies at the heart of our country's democratic system. I find two principal problems with the proposed "compromise" which are in my field of expertise, and which I will discuss at some length:

1. It retains existing inequalities of voting power among citizens of different states.

2. Computer simulation of elections, uncontradicted by historical experience, indicates that a substantial percentage of close contests would have to be decided by Congress.

In addition, I see a number of additional objections which I feel should be mentioned:

3. It would encourage "spoilers" by providing an additional means not existing under the present system by which they could take the election from the hands of the people [denying the candidate a plurality of the popular vote].

4. By substantially increasing the chances of an election by Congress, it would further erode the separation of powers.

5. If the election were to be decided by Congress, it is uncertain how much voting power each member and each state would have.

6. It would further complicate a system the people have clearly indicated they want simplified, and further complicate presidential planning, prediction, and campaigning.

7. Unlike the direct election proposal, there is no indication that a substantial majority of the people want it and would prefer it over the existing system.

8. Unlike the direct election proposal, there is no indication that there is a substantial sentiment for it in three-fourths of the state legislatures by which it must be ratified.

9. Unlike the direct election proposal, there has been no careful consideration or study of this plan, nor any concerted effort to discover other possible and unforeseen problems.

RETAINS EXISTING INEQUALITIES IN CITIZEN VOTING POWER

In my earlier study and testimony I utilized computer analysis to discover and demonstrate the existence of gross inequalities in voting power among citizens of different states. This study, published as *"One Man 3.312 Votes: A Mathematical Analysis of the Electoral College,"* 13 Villanova L. Rev. 304 (1968) indicated that because of the unit vote [winner-take-all] rule, the voting power of a citizen in a large state like New York and California was actually two to three times as great as the voting power of a citizen of a small or middle-sized state. This analysis has been almost universally accepted by later works in the area.

[See, e.g., "The People's President" by Peirce, Section O entitled "Computer Analysis of Large-versus Small-State Power in the Electoral College" at 362 (1968); "Presidential Lottery" by Michener, Part C entitled "The Banzhaf Studies" at 220 (1969); Editorial, *Washington Post,* Dec. 31, 1967; Editorial, *New York Times,* Dec. 18, 1968; Editorial, *St. Louis Post-Dispatch,* Nov. 24, 1968; "Urban Votes", *The New Republic,* p. 9, June 27, 1970.]

One of the chief problems with the existing Electoral College, then, was this inequality in voting power among the citizens of the different states, a problem which, of course, would be eliminated by the direct election amendment. Unfortunately, by requiring a majority of the total number of electoral votes for victory, your proposal appears to continue this discrimination against voters in the small and medium states [under the existing system citizens of 32 states and the District have less than average voting power and many disparities in voting power exceed 200%]. I say "appears to" because I have been unable in this short space of time to recalculate what the distribution of voting power would be under your proposal and I know of no one else who has made any such determination. Therefore, although it can be said with reasonable mathematical certainty that your proposal would adopt and perpetuate certain gross inequalities in voting power among the citizens of the different states, it is impossible to say with cer-

tainty what the magnitude of those inequalities would be.

SUBSTANTIAL LIKELIHOOD OF ELECTIONS BY CONGRESS

In connection with studies of the chances of a "misfire" [election of a minority President] under other proposals, I have had occasion to utilize computer techniques which generate thousands of simulated presidential elections at random and analyze the results. This work was done with the kind cooperation of Prof. Martin A. Jacobs, formerly with the Department of Mathematics of Farleigh Dickinson University, and now with University Computing & Company. One series involved the simulation of 1000 elections between two candidates in which the popular vote pluralities were no more than 250,000, and an analysis to determine those in which the majority popular vote winner would have failed tc receive a majority of the electoral votes. This was found to have occurred in over 30% of the 1000 simulated elections. Our experience with other studies was that the chance of a "misfire" decreased as the size of the popular vote plurality was allowed to increase, but that it did so more slowly than a simple inverse ratio. In other words, a doubling of the popular vote plurality in a close election from 250,000 to 500,000 would decrease the percentage of a misfire by less than a factor of two, and in an election with a popular vote plurality of 1,000,000, it would be substantially greater than one-fourth of the initial figure.

Although it is impossible to reach any further conclusions or to make reliable predictions on the basis of this very preliminary study, it does suggest to us that in a two-candidate election where the popular vote plurality is 1,000,000 or less, there is a substantial chance—of the order of 10% or more—that the election would have to be decided by Congress under your proposal. It also seems that the introduction of a third or fourth candidate would in general increase this likelihood. In the absence of any other studies or evidence to the contrary, I respectfully suggest that this possibility must be given great weight, not so much as an absolute bar to the enactment of the plan but rather as a very clear call for further study and analysis.

Historical evidence is entirely consistent with this estimate. If we consider, for example, the 35 elections from 1824–1960 which have been carefully analyzed, one finds that in 3 cases—1824, 1876, and 1888—the elections would have been thrown into the Congress if your proposal had been law. In fully 18 additional elections—1828, 1836, 1840, 1844, 1848, 1856, 1860, 1864, 1868, 1880, 1884, 1892, 1896, 1900, 1908, 1916, 1945, and 1960—a change of less than 1% of the national vote—in each case less than 100,000 votes—could have thrown the election into the Congress under your proposal. [See Peirce, "The People's President" at 317 (1968)]. In addition, at least 8 elections—1904, 1920, 1928, 1932, 1936, 1940, 1952, and 1956—were not very good tests because they were such landslides that most any electoral system couldn't help but elect the most popular man as President. Thus, of a total of 35 elections your system would have thrown the election to the Congress 3 times (8.6%), would have come within a hair's breath of doing so 18 times (51%), and was not really tested at least 8 times (23%) because of landslide candidates.

In looking at historical figures, one must also bear in mind that the results were determined in some measure by electoral strategies based upon the existing system. It is reasonable to assume that strategies of presidential candidates under a different system would be changed, and that this could easily affect the voting pattern. For example, had your system been in operation, it is likely that much more effort would have been directed by a candidate to winning additional votes in states in which he was either a "sure winner" or "sure loser." Without additional more careful study we cannot reasonably assume that these efforts would have "cancelled each other out," particularly where more than half the elections could have been changed by a shift of less than 100,000 votes. If appears that we have been exceedingly lucky with the electoral system of voting in the past. It would, however, be folly to base plans for the long-term future on little more than a continuation of our national lucky streak.

I thank you for giving me the opportunity to comment on your proposal and sincerely regret that time did not permit me to do a more complete analysis which would have eliminated at least some of the uncertainties. Because of their interests, I am taking the liberty of forwarding copies of this letter to other Senators with whom you are working to resolve this impasse. Please feel free to call upon me if I may be of any further assistance in this matter.

Yours truly,

JOHN F. BANZHAF III,
Associate Professor of Law.

DETROIT, MICH.,
November 13, 1970.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I apologize for delaying so long this response to your letter of October 12, 1970. It arrived immediately following my return from an extended trip to the Far East and necessarily was subordinated to a number of exigencies that accumulated during my absence.

The electoral college reform program embodied in your proposed Amendment No. 912 certainly is worthy of serious consideration. Clearly, it would achieve the three objectives described in your letter; and in my opinion it would provide a method of electing the President and Vice President that is superior to the present electoral college system. Nevertheless, I am not in a position to assure you of the support of the American Bar Association, for two reasons.

First, the electoral college reform bill (S.J. Res. 1) that was approved by such a large majority in the House of Representatives is the only one that has been approved by the House of Delegates of the American Bar Association. Unless, therefore, the House of Delegates were to change its position (which could not occur prior ot the February, 1971 meeting) no officer or committee of the Association could support any other program.

Quite aside from my inability to abandon the ABA support for S.J. Res. 1, there are, I think, some objections to your proposal that should be mentioned. Although it would provide a popular vote standard for determining a winner in the original election (in addition to the present electoral standard), it would leave intact the major danger that we have stressed in all of our public statements and commitee testimony, namely, the risk of electing the popular vote loser.

Under your proposed Amendment No. 912, a candidate with a 40% plurality (or even a majority) of the popular vote would be denied the presidency if he failed to achieve a majority of the electoral vote. In that event, the election would devolve upon the Congress, where the result could not be foretold. The popular vote loser could and probably would win if his party were in control of Congress; and if the elections of 1800 and 1824 are indicative, political "wheeling and dealing" undoubtedly would occur. And, under your proposal the decision would not be made until the newly-elected Congress met in January following the election, unless, of course, a provision were inserted requiring the new Congress to meet in joint session before the year-end to elect the President. But however that may be, in these days when participatory democracy is in the forefront it would be abhorrent, I think, for the popular vote winner to lose the presidency; and that is the primary reason for reforming the electoral college system.

By mandating two standards for determining the winner in the original election, your proposal would increase the risks that a close election would be thrown into Congress for a decision. Also your proposal would preserve in the original election all of the inequities that are inherent in the winner-take-all system: the disfranchisement of minority votes; the disparity of voting power based upon residence; and the existence of "pivotal states" or "swing states", among others.

It is the view of the ABA committee that if S.J. Res. 1 is not acceptable, the so-called Tydings-Griffin proposal is worthy of consideration by the Senate. That proposal would retain the popular vote mandate if the winner received a 40% plurality. Failing that, if the candidate receiving the most popular votes (but less than 40%) were to succeeed in getting a majority of the electoral college votes, he would be declared the winner. Thus the candidate who received the most popular votes could not be denied election through some structural defect in the system. If, however, the front-runner failed to receive a 40% plurality and failed, also, to receive a majority of the electoral college votes, then the newly-elected Congress would meet in joint session early in December and, voting as individuals, would elect the President.

Incidentally, there is a psychological advantage to retaining some form of electoral college vote in addition to the popular vote, as provided in your plan and in the Tydings-Griffin plan: in a close election, the media commentators on election night would continue to report by states because of the potential importance of the electoral college vote. That might allay the fears of those who are concerned about the possible impact of the direct election upon "federalism" and the separate "identity" of each state; and that feature would be persuasive, I should think, with some members of the Senate.

Sincerely yours,

WILLIAM T. GOSSETT,
Chairman, ABA Special Committee on Electoral College Reform.

RAILPAX

Mr. ALLOTT. Mr. President, the distinguished majority leader (Mr. MANSFIELD), yesterday placed in the RECORD the entire report of the Interstate Commerce Commission on the basic national rail passenger system or Railpax plan. I want to associate myself with his praise for the ICC report.

The report urges the Railpax Corporation to expand passenger service in the West and Southwest. Of particular interest to Coloradoans is ICC endorsement of the revival of the original route of the California Zephyr.

It is gratifying to those of us who have fought for this train over the years to know that our position has received such impressive support. Transportation Secretary Volpe, in his original plan, provided for a Chicago to San Francisco route as one of the few trains which are absolutely essential to a national system. Now the ICC has reaffirmed this position and specifically recommended the Zephyr route over the Western Pacific be revived.

Moveover, the prestigous National Association of Railroad Passengers also recommended the Chicago-San Francisco route through Denver in its system. In addition NARP recommended a summer only train from Denver, South to Albuquerque, and West through Arizona to Los Angeles. I also support and endorse these recommendations.

All in all, both the ICC and NARP reports call for extensive train service improvements in the West.

I am confident that Secretary Volpe will incorporate major portions of these reports into his final plan which will be announced next month.

It would appear that the West is at last on the way toward reversing the decline in our rail passenger service. The ICC and NARP reports and indeed the Secretary's original inclusion of the Chicago to San Francisco and Chicago to Los Angeles routes as absolutely essential parts of the national system are important steps in that direction.

I commend Chairman Stafford and all the members of the ICC for their excellent work. I congratulate Mr. Anthony Haswell and his legislative counsel, Mr. Woodruff M. Price, for their fine contribution to this picture.

TRIBUTE TO SENATOR YARBOROUGH

Mr. BAYH. Mr. President, I rise today to pay tribute to RALPH YARBOROUGH. His 13 years as a progressive leader in the Senate stand as a symbol of individualism, of initiative, and of a genuine concern for people. Furthermore, Senator YARBOROUGH'S programs have been a constant demonstration to all of us that the needs of this country can bind us together rather than divide us. As a Senator from Texas, RALPH has proposed legislation needed by the whole Nation—an example which could be followed by each of us.

Hubert Humphrey aptly expressed his admiration for Senator YARBOROUGH several years ago when he said:

> Ralph is an intelligent man; he is also a tireless worker and a fighter for the things in which he believes. As a consequence, he gets things done. As a member of three important Senate committees, he serves as a singularly effective representative of Texas and his fellow-Texans, as well as a valued voice and vote on all matters of critical national importance.

Senator YARBOROUGH has worked hard on the problems of poverty, tax reform, agricultural innovation, conservation, labor, and urban expansion, and education. As chairman of the Labor and Public Welfare Committee, he has not only worked on but been responsible for much of the legislation in these important areas. In fact, President Johnson once told RALPH that his committee was responsible for 80 percent of the legislation enacted by the historic 89th Congress.

But perhaps the greatest of RALPH YARBOROUGH'S qualities is his unquestioned political courage. I have repeatedly seen him face the most difficult and controversial questions on our national agenda. I have repeatedly seen him study these questions with the utmost care and intelligence and concern. And I have repeatedly seen him resolve these issues as his heart and mind—and conscience—dictate, mindful of the political dangers but unwilling to sacrifice his principles and his view of the national interest.

RALPH YARBOROUGH has demonstrated the kind of courage and devotion we all respect and admire. I have considered it an honor to have worked with him. He will be sorely missed by all who are concerned about the future of our country.

IN SUPPORT OF SBA VOLUNTEER MANAGEMENT ASSISTANCE PROGRAMS

Mr. BIBLE. Mr. President, may I call to the attention of the Senate a legislative enactment of this body which has become a victim of the preadjournment rush and weightier problems of the Nation and the world. I refer to a provision of S. 4356, as it originally passed the Senate, broadening authority of the Small Business Administration to pay minor transportation, telephone, and other minor costs to publicize the capabilities of several thousand volunteer members of SCORE—Service Corps of Retired Executives—and ACE—Active Corps of Executives—across this country who willingly contribute their business expertise every year to help many thousands of small businessmen with their management problems.

I am hopeful the Senate will reenact this provision early next year so that both bodies may know the advantages it will provide for small businessmen across this land.

As background, today some 3,600 retired business executives are showing many more thousands of fellow businessmen how to be successful even though they are small businessmen. These are the members of the nationwide Service Corps of Retired Executives or SCORE. Established in 1964, the SBA-sponsored organization has grown steadily in its membership of business and professional leaders in more than 850 communities to provide advice and guidance to small business.

So successful was SCORE that the Small Business Administration in 1969 instituted its counterpart, the Active Corps of Executives or ACE. Today that program has attracted 1,800 working businessmen who like their SCORE brothers, volunteer their services and talents to help the country's 5½ million small businessmen try to be successful.

During the last 13 months, these volunteers counseled 57,091 other businessmen who had various management assistance problems. Thirty-four percent of all interviews conducted by all Small Business Administration personnel was rendered by SCORE and ACE representatives.

Mr. President, these volunteers, who give of their time and effort in the counseling work they perform for small businessmen, are entitled to be reimbursed for some of the costs they incur in the discharge of their services. These involve parking expenses and reimbursement for telephone calls from their homes to their small business clients.

Unless some improvements are made to better the conditions under which these volunteer counselors work by providing reimbursement arrangements for their out-of-pocket expenses, it will become increasingly difficult to enlist their services. Certainly, this expenditure of Federal dollars repays itself manyfold in the help these retired and active business executives provide to small businessmen and their many problems of management, sales and related activities.

Likewise, the SBA has a sizable financial stake in this problem because it lends money to small companies for equipment, expansion and working capital. If loan beneficiaries fail, the SBA, and the taxpayer, lose with them.

The importance of management assistance, as provided by SCORE and ACE, can be shown by some interesting statistics:

First. Nine out of 10 businesses fail for lack of proper management;

Second. Only one out of every two businesses started, survives 18 months because they do not have enough management expertise and assistance at the proper time; and

Third. Only one business out of five manages its affairs properly enough to last 10 years.

But, with the assistance of SCORE and ACE counselors in the past 12 months, its record and achievements have been:

First. Over one-third of all management assistance interviews;

Second. Half of SBA's management counseling cases;

Third. Three-fifths of all management ability evaluations on SBA applicants; and

Fourth. Nearly two-thirds of all the management assistance plans SBA provided applicants.

This is a most desirable program and has been effective in aiding the small businessman to solve his many problems calling for professional advice, which SCORE and ACE volunteers provide. I am hopeful the 92d Congress can meet this need by enactment of this legislation.

JEWS IN THE SOVIET UNION

Mr. ALLOTT. Mr. President, the entire world has been shocked by the outrageous persecution of Jews in the Soviet Union. A great many of us are concerned that we demonstrate our indignation and outrage at Soviet action effectively and responsibly.

Accordingly, a number of Senators met today to be briefed by Dr. William Korey, a leading authority on Soviet Jewry. His background and credentials, plus his current connections with the Soviet Jewry, give him an expert's insight into the present crisis over the sentencing of the alleged "hijackers."

The best intelligence information now available indicates that, contrary to reports issued by the controlled press in Russia, the 11 persons arrested for alleged "hijacking" were actually taken into custody by Communist authorities

on their way to the airport to board a small plane. Obviously, these individuals could not have hijacked a plane they never boarded.

Consistent with the pattern of operation established by the Soviet Secret Police, these people were charged with a crime when found to be attempting to leave the Soviet Union. Without fail, when someone has been caught trying to cross the border from captivity to freedom, or when someone successfully escapes from Communist held territory, they are charged with either being mentally deranged or a criminal.

When Stalin's daughter showed up in the United States, Soviet authorities suggested she had lost her mental balance. When the Lithuanian sailor jumped ship recently, in that tragic incident in American history, and following his capture by Soviet KGB agents, the Communists charged that he had stolen money from the Soviet ship. The pattern is unchanging and unmistakable.

Now, at a time when the world has been victimized by terrorist hijacking, and when most everyone has absolutely no sympathy for hijackers, the Soviets have sentenced these Jews on the charge of hijacking. Thus did the Communists attempt to diminish the outrage and sympathy the world felt about their case.

But, Mr. President, this will not work.

Indeed their cases rank with those millions of Christians of all denominations who have been ruthlessly imprisoned, tortured, and even murdered at the hands of Soviet authorities.

Contrary to popular opinion, internal Soviet Government operation has not mellowed. The circumstances and the people against which Soviet atrocities are directed simply change from time to time. A decade ago, it was Baptists in Siberia; a year ago a Ukrainian archbishop; last month a Lithuanian sailor; this month it is again the Jews.

It is too much to expect the Communists to act out a sense of justice or humanity. But world pressure can make the Soviets aware of the fact that we know these Jews are being persecuted for their religious beliefs. We demand that all forms of religious persecution be stopped. We demand not only a change in this one case, but a change in the whole Communist attitude toward the free practice of religion. Free men can do no less.

THE TFX

Mr. McCLELLAN. Mr. President, on December 18, 1970, as chairman of the Senate permanent Subcommittee on Investigations, I submitted to the Senate the subcommittee's report on the TFX contract investigation. That report is one of the most important documents issued by the subcommittee during my many years as member and chairman. I am gratified that it received wide coverage in the press and in broadcasting media.

The report also was the subject of a number of editorials in the Nation's newspapers. With one exception, the editorials I have seen commend the report for its presentation of the facts about the sorry history of the TFX or F–111 aircraft. Again with one exception, the editorial writers found that the subcommittee had made a sound, accurate, and significant record of the management blunders in the Pentagon during the 8 years of our TFX investigation.

I believe that a selection of those editorials should be placed in the RECORD and read by Members of the Congress and by the public in order that we may be alerted further to the dangers posed to our defense posture as disclosed in this long and difficult inquiry. One of the editorials, in the Seattle Times for December 21, 1970, expresses my view very well. The editorial details the blunders and mismanagement within the Pentagon, and then states:

All of that is history, of course, and cannot be undone. The failures of the TFX–F–111 would have become evident, even had there been no McClellan probe.

But without the Arkansas Senator's determination to get at the heart of the matter, there surely would have been no documented record of what the report calls "the squandering of vital financial resources in the attempt to make the TFX program produce satisfactory results."

The editorials I have mentioned are from the Seattle Times, as I noted above, and from the Commercial Appeal of Memphis, for December 21, 1970; the Washington Daily News for December 24, 1970; the Cleveland Plain Dealer for December 20, 1970; the Toledo Blade for December 21, 1970.

Mr. President, I request unanimous consent to have these five editorials printed in the RECORD at this point in my remarks.

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

[From the Seattle (Wash.) Times, Dec. 21, 1970]

THE TFX INDICTMENT

The sorry saga of the TFX is an old and familiar story after being exposed on the public record during years of hearings by Senator McClellan's investigations subcommittee.

Still, it must be difficult for many Americans to read news reports of the subcommittee's final wrapup on its long investigation without a fresh sense of indignation.

McClellan's report paints a picture, not of a single high-level blunder, but of a whole series of unjustifiable mistakes by the Defense Department at the time when Robert S. McNamara ruled the Pentagon under Presidents Kennedy and Johnson.

All men in high office make mistakes. But few of them, one must suppose, would go to the lengths to which McNamara went in piling error upon error in an attempt to cover up an original mistake.

As the report put it, McNamara and his associates "made extraordinary efforts to conceal the results of their errors . . . These efforts included deliberate attempts to deceive Congress, the press and the American people."

The TFX is now the F–111 fighter-bomber. The American taxpayers have spent $7.8 billion to buy 500 of these machines and one hopes they will yet fill an important niche in the nation's war-deterrent posture.

But the F–111 was a costly disappointment in Vietnam. It has been grounded for long periods by mechanical or structural failures. And the government had originally proposed to pay far less than $7.8 billion for 1,700 of the planes.

All of that is history, of course, and cannot be undone. The failures of the TFX–F–111 would have become evident, even had there been no McClellan probe.

But without the Arkansas senator's determination to get at the heart of the matter, there surely would have been no documented record of what the report calls "the squandering of vital financial resources in the attempt to make the TFX program produce satisfactory results."

In these days when it is fashionable to question Pentagon decisions at every point, it should be kept in mind that McClellan undertook and persevered in his complex investigation at a time when the Defense Department largely had its way in Congress and when McNamara, in particular, was looked upon as the epitome of economy and efficiency in government.

By making clear what is in Senator Jackson's words, "the price we pay for shoddy leadership at the highest levels of government," the McClellan subcommittee has helped put Congress and the nation on guard against the awarding of giant government contracts on a political basis, and against the deceptive practices whereby such unjustifiable decisions can be covered up.

[From the Memphis Commercial Appeal, Dec. 21, 1970]

MCNAMARA'S TFX BOONDOGGLE

As defense secretary under Presidents Kennedy and Johnson, Robert S. McNamara cut a wide swath from 1961 until 1967. He was the "whiz kid" with the computer mind and industrial know-how, or so the legend had it.

But he goofed in two major fields. Despite his numerous predictions of an early end to American military involvement in South Vietnam, we are still trying to get out. His other big mistake was the F111 (TFX).

Almost immediately after taking office McNamara merged Air Force and Navy requests for new fighter-bomber aircraft into the TFX program. His argument was that at least a billion dollars could be saved by using a basic design, with variations to make it suitable for each force.

And right away, in 1962, Senator John L. McClellan (D-Ark.) started challenging McNamara. First the hearings held by the Senate subcommittee on government operations, headed by McClellan, raised doubts about the way the TFX contract was awarded. Despite expert Pentagon opinion that it should have gone to Boeing, it went instead to General Dynamics, with the planes to be built in Fort Worth, Texas. McClellan smelled politics. As he proceeded over the years with a continuing investigation, the story of cost overruns developed, and the Navy finally rejected its version of the F111 because of mounting weight problems. The Air Force variation was grounded in 1969 by a wing collapse.

After eight years of hearings and investigations, Senator McClellan sums up with these points: McNamara was guilty of "management blunders." He and other Pentagon officials are accused of deliberately deceiving Congress. Former Deputy Defense Secretary Roswell Gilpatric is charged with "flagrant conflict of interest" in the awarding of the F111 contract. The original McNamara belief that the Defense Department could save money with his TFX plan has been totally discredited; where the initial plan was to produce 1,726 F111s for 5.8 billion dollars, the nation will instead have 538 copies by 1972 at a cost of at least 7.9 billion. Some sources think the cost will be more.

Even allowing for inflation, the TFX affair comes down as one of the great boondoggles of our time and again shows what a mess we have in the so-called military-industrial complex.

We can thank Senator McClellan for his determined watchdog stance. But more important, the nation, the Congress and the

Pentagon should learn something from this costly foul-up, and keep such things from happening again.

[From the Washington Daily News, Dec. 24, 1970]

THE F–111 "FIASCO"

There has been so much infighting, so many political angles, so much corporate competition in the eight-year war over the TFX plane, now called the F–111, that any non-expert could go a little batty trying to draw a clear picture of the controversy.

The Senate subcommittee which investigated the contracts and development of this fighter-bomber alleges that the whole many-billion-dollar program has been a "fiasco." But current Defense Department officials, who had nothing to do with the original program, say the plane now is structurally sound and will do its job. Pilots who flew the plane in a contest last month said it was "simply magnificent."

None of this, however, disputes Sen. John L. McClellan's charge that the taxpayers are getting 538 of the planes at a cost of nearly $8 billion, as contrasted to the original estimate that 1,726 planes would be provided for $5.8 billion.

The primary charge of the McClellan group is that the whole program was a "fiscal blunder" for which the committee chiefly blames former Defense Secretary Robert S. McNamara. The committee report charges Mr. McNamara's decisions were "capricious, lacking in depth and without factual substantiation."

The only response so far from Mr. McNamara has been a statement that he couldn't say anything because of the international nature of his present job as president of the World Bank. If he has a rebuttal, that's about as lame an excuse as could be found for withholding it.

The committee also said Roswell L. Gilpatric, Deputy Defense Secretary when the TFX contract was awarded in 1962, and Fred J. Korth, then Secretary of the Navy, should have disqualified themselves from these decisions because of connections with General Dynamics, the winning contractor.

In short, whatever the virtues of the plane as it now flies, it is obvious that Pentagon management in the McNamara regime was considerably less than smart—and, as usual, the taxpayers get the bill for the bungles.

[From the Cleveland Plain Dealer, Dec. 20, 1970]

MCNAMARA AND THE F111 FIASCO

A Senate committee looking into the multibillion dollar F111 fighter-bomber program calls it a "fiscal blunder of the worst magnitude" and puts most of the blame on former Defense Secretary Robert A. McNamara.

It is difficult to escape the conclusion that the Senate committee is right.

The F111 program has been a fiscal fiasco.

It was supposed to provide 1,726 planes to the Air Force and Navy for $5.8 billion, or about $3.4 million for each plane.

It will end up providing the Air Force alone with some 538 planes at a cost the Senate group estimates will total $9.2 billion—or some $17 million a plane, five times the original estimate.

And of those planes now due, only 82, or fewer than one in five, will meet the standards "of the truly modern and high performance tactical bomber originally sought by the Air Force," the committee said. The Navy version was killed because of excess weight problems.

While judged a hot performer by those pilots who have flown it, the F111 has been plagued with problems requiring grounding. Earlier this year, for example, the Air Force grounded all 230 of the planes it then had in stock after a fatal crash. By the start of this month, 152 had been cleared to fly again.

McNamara must accept responsibility for the major decisions that produced such poor results.

It was his idea to build one basic plane that could meet the differing requirements of the Navy and Air Force. This proved to be impractical; the contractor couldn't deliver.

It was his decision to persist in trying, however, in the face of early warnings that the Navy version was headed for trouble. This also proved to be a poor and costly decision.

It was McNamara's decision to award the contract to General Dynamics despite recommendations by four military boards that Boeing be selected because of what they felt was superior design.

Cost and performance problems have been so widespread in recent years as to suggest that no defense contractor escapes them, yet Boeing may well have done better than General Dynamics; it hardly could have done worse.

A Detroit auto executive before becoming defense secretary and now the respected president of the World Bank, McNamara had earned a reputation for super efficiency.

That reputation is marred by the F111 failures.

[From the Toledo Blade, Dec. 21, 1970]

JUST SHORT OF CRIMINAL?

The man on the street, or the nobody behind bars who protests that society imposes one kind of justice on the poor and another kind for the influential, may find the multibillion-dollar failure of the TFX (F–111) warplane and the "flagrant conflict of interest" behind the contract award beyond his capacity to grasp.

That judgment has at last been brought down by Senate investigators in a report ending an eight-year study. While former Defense Secretary McNamara must assume ultimate responsibility for this costly fiasco, it was the finding that his deputy defense secretary, Roswell Gilpatric, had admitted under cross-examination a prior relationship with General Dynamics Corp. that shocks propriety and justice.

Not only was Mr. Gilpatric deeply involved with General Dynamics, but he advised that the contract go to that firm despite the unanimous recommendations of Pentagon selection boards and military experts that the Boeing Co., with a lower bid, had a better design plan and the expertise to build it.

Former navy and air force secretaries, Fred Korth and Eugene Zuckert, also faced accusations of "impropriety" and writing inaccurate memoranda in attempting to justify the contract decision.

The crime of it all is that these defense officials overruled all other advice with no "paper work, no documentation, and no special staff studies." The action, especially on the part of Mr. Gilpatric, was labeled a "deliberate attempt to mislead . . . and to deceive Congress and the public" about subsequent mistakes.

So what of the cost to a nation in damage to its defense posture and to taxpayers in astronomic dollar wastes? The flaws began showing a year ago when a wing fell off one of the planes in a test flight over Nevada.

The F–111 had been involved in 15 crashes, in numerous groundings, and the navy has totally abandoned its use. The planned building of 1,726 F–111s at a cost of $5.8 billion has been scaled back to only 538 planes costing at least $7.9 billion—more than four times the original estimate per plane.

After three of those planes crashed in Southeast Asia, the air force has removed all of them from combat. Presumably they can be flown on runs that won't approach the range of flexibility their costly specifications required. And all this because of influence compounded by blundering and cover-up.

The Senate investigators' report stops short of calling it criminal. Is it any wonder that the little guy and the nobody in the local lockup speak cynically of political justice?

Mr. McCLELLAN. I have one more editorial, Mr. President. This is the exception I spoke of earlier. It contains no commendations to the subcommittee for the unpleasant and difficult task it performed. It appeared in the Washington Post on December 29, 1970, and bears the title "The End, We Hope, of the TFX Affair." I suggest, considering the context of the editorial, that the title may be misleading and inaccurate. In my opinion, a more suitable title would have been "An Editorial Apology for the Blunders of Secretary McNamara."

The Washington Post editorial admits the errors, blunders, mistakes in judgment, and mismanagement of the TFX program by Mr. McNamara and his top civilian aides. I quote some of the admissions:

> There is little doubt that many things went wrong in the management of the TFX development and production programs.

I submit, Mr. President, that there is no doubt at all. Our report is factual and it specifies the blunders.

> The plane for which Mr. McNamara hoped never came into being and the cost of the comparatively few planes that will come out of the affair is astronomical.

Those statements are accurate, Mr. President. We never received the plane we purchased; we have less than a third of the number we considered necessary for national defense, and the costs were indeed astronomical.

The editorial admits other blunders, all detailed in our report. I quote again from the editorial:

> Secretary McNamara and the rest of the civilian brass at the Pentagon did make some bad mistakes . . .
>
> [They] did get locked into a defensive posture . . . that led to the suppression of bad news about the plane's shortcomings.
>
> It may even be that Mr. McNamara was wrong in his original decision to proceed with the TFX . . .
>
> [It may even be] that Mr. McNamara did successfully hide for years from the Senate Committee some of the most damaging information about production problems.
>
> It is true that as a two-service plane the TFX was a flop; the Air Force is flying it in smaller numbers than originally planned and the Navy has just rolled out the F–14 to take the spot in which the TFX was to fit.
>
> Although there is no excuse for the expensive errors that were made in this program . . .

While I agree fully with the Post editorial's conclusions that bad mistakes were made and that there is no excuse for them, I wish to point out that the newspaper's editorial writer selected the adjectives "bumbling," and "lackadaisical" and the noun "incompetent" in reference to Mr. McNamara. They do not appear anywhere in the subcommittee's report.

It is proper, Mr. President, that the Washington Post has seen fit, in its edi-

torial wisdom, to admit to some of the blunders and the mistakes that made the TFX program a fiasco. All of the instances of mismanagement which the newspaper admits, and many more, are disclosed by documentary evidence in the subcommittee's report.

There are however a number of mistakes in fact in the text of the Washington Post editorial. I wish to comment upon a few of them. The editorial states that the Air Force and the Navy both told Mr. McNamara that they could not build a biservice aircraft because, according to the editorial, "neither was willing to budge from the specifications it wanted in the perfect plane." The subcommittee's record shows that both services eased their orginal requirements in attempts to follow Mr. McNamara's directive. Subsequently, their technical experts reported that the biservice concept would not work. Mr. McNamara's orders to proceed despite this advice were responsible for the waste of $378 million on the Navy plane which was canceled and abandoned, and also for the deficiencies in all the Air Force planes which have been procured.

The editorial states:

It is not unreasonable to believe that the Air Force and Navy could use the same plane if forced to do so although it may be that the sophistication each wanted in the TFX made this particular plane ill-suited for common use.

That statement is completely in error. The fact is that the Navy did its level best throughout the first 6 years of the program to get approval for a redesign of the Navy version that would be suitable for operation from aircraft carriers. Their recommendations were flatly rejected, and the result was that after 6 years, the Navy TFX was canceled by the Congress—not by Mr. McNamara or the Defense Department.

Finally, Mr. President, the editorial declares that the subcommittee did not consider "the extent to which the civilians charged with running the Pentagon can properly overrule the military leaders on matters regarding the feasibility of weapons systems." To answer that charge, all one needs to do is read from page 17 of the subcommittee's report:

The Subcommittee did not, at any time during the 1963 hearings on the contract award, question the responsibility and the authority of each of the Secretaries to make the decision on a major weapons system like the TFX. Subcommittee members, however, vigorously questioned the Secretaries' stated reasons for reversing the recommendation made by their military advisers.

It will be recalled that it was in this area of decision making, in regard to the cost proposals of the contractors, that Mr. McNamara said he made "a rough judgment" and that he had the figures in his head.

I am pleased, Mr. President, that the Washington Post which defended Mr. McNamara and opposed the committee's investigation from the beginning, has changed its editorial position of some 8 years standing, and has now admitted to at least some of the many blunders and instances of mismanagement by Mr. McNamara. I request unanimous consent to have the Post editorial printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. It is my earnest hope that the subcommittee's investigation and its report on the TFX fiasco will serve a good and useful purpose as an object lesson of the bad results that can accrue from arbitrary and arrogant management actions by appointed public officials. I believe that the report has documented fully the history of the management blunders made in the TFX case. This history should serve as a hard lesson of poor government to those who will follow, and thus deter any repetition of such faulty and arbitrary decisions and costly blunders.

EXHIBIT 1

[From the Washington Post, Dec. 29, 1970]

THE END, WE HOPE, OF THE TFX AFFAIR

It was eight years ago this month when the Senate Permanent Subcommittee on Investigations first began poking into the contract that the Pentagon was about to sign for an airplane called the TFX. In the years since, no single military contract has stirred so much controversy, so much rancor, and so much distortion of the truth. The TFX is flying now as the F-111 and the Air Force says it is a superb airplane. Secretary McNamara, on whose head most of the rancor fell, has been gone from the Pentagon almost two years. But last week, in came the Senate Subcommittee with another report on the TFX just as full of bitterness and just as one-sided as was its first round of hearings on this subject in 1963.

There is little doubt that many things went wrong in the management of the TFX development and production programs. The plane for which Mr. McNamara hoped never came into being and the cost of the comparatively few planes that will come out of the affair is astronomical. Secretary McNamara and the rest of the civilian brass at the Pentagon did make some bad mistakes and did get locked into a defensive posture about the TFX that led to the suppression of bad news about the plane's shortcomings.

It may even be that Mr. McNamara was wrong in his original decision to proceed with the TFX, and did successfully hide for years from the Senate Committee some of the most damaging information about production problems. But even if all of this is true, as the Committee claims it is, that, in its proper context, hardly means Mr. McNamara was a disaster as Secretary of Defense. Yet it is difficult to read this report and reach any other conclusion; the committee uses such words as "capricious," "superficial," "unprofessional" and "inexcusable" to describe his conduct. Indeed there seems to be little reason for the Committee to have written this report except to rub salt in old wounds.

You have to go back almost a decade to put this report in its proper perspective. In the early 1960s, the Air Force and the Navy were both in the market for a new tactical fighter plane and Mr. McNamara told them to see if they could design one plane which both could use. They said they couldn't do it because neither was willing to budge from the specifications it wanted in the perfect plane. Mr. McNamara ordered them to do it anyway, saying that the differences in specifications could be successfully compromised. That, according to the Senate Committee, was a stupid and costly decision. It is true that as a two-service plane the TFX was a flop; the Air Force is flying it in smaller numbers than originally planned and the Navy has just rolled out the F-14 to take the spot in which the TFX was to fit. But this alone, despite the Committee's views, doesn't prove that the original McNamara decision was wrong. Each service fought that decision as hard as it could and got from Capitol Hill support to encourage the belief that if they fought the idea long enough it would be discarded. It is not unreasonable to believe that the Air Force and Navy could use the same plane if forced to do so although it may be that the sophistication each wanted in the TFX made this particular plane ill-suited for common use. In other words, there is evidence that the military services wouldn't build a common plane just as there is evidence that they couldn't. But having decided that Mr. McNamara was wrong in the beginning, the Senate Committee ignores the former possibility and hangs the whole debacle on his original decision.

The Committee plays the same game in its second basic criticism of Mr. McNamara—that he wrongfully awarded the TFX contract to the high bidder, General Dynamics, rather than to the low bidder, Boeing, and it ties this award to charges of conflict of interest against two other top Pentagon civilians. Again, something may have been wrong with that award but the Committee conveniently forgets the atmosphere in which it was made. A decade ago, it was widely believed that military contractors were submitting unrealistically low bids to get contracts which then became profitable through cost overruns. That was what Mr. McNamara was trying to stop when he declared that General Dynamic's bid was more realistic, though higher, than Boeing's. Yet the Committee now says he was "mesmerized" by the idea of cost realism and clearly wrong. That's simply a second guess which can't be proved one way or the other.

Growing out of the way in which the Committee handles these two basic decisions are the most serious questions in the whole TFX affair, questions to which this committee does not and cannot address itself. They are the extent to which the civilians charged with running the Pentagon can properly overrule the military leaders on matters regarding the feasibility of weapons systems and the weight that Congress ought to give to the opinions of military men in overruling the Pentagon civilians. This committee came down squarely in favor of giving the military leaders total control over such matters almost as soon as it started probing the TFX and in doing so helped shape the events that led inevitably to the conclusions it now reaches. One wonders the extent to which bad decisions late in the TFX development program were a direct result of the feeling among Pentagon civilians that their competency—not just the correctness of one or two decisions—was at stake in making the TFX work. Mr. McNamara, at least, certainly appeared in 1963 to believe that was the issue and had cause to so believe, given the attack on him then by this same committee.

Although there is no excuse for the expensive errors that were made in this program, we find it impossible to believe that Mr. McNamara was the bumbling, lackadasical incompetent this committee report brands him to be. He lost the fight over the TFX to the military and this committee years ago. And this last report—we trust it really is the last we will hear of the TFX—reminds us more than anything else of a fighter who, having flattened his opponent, keeps kicking him from time to time to make sure he remembers who won.

THE BYRDS OF VIRGINIA

Mr. BYRD of West Virginia. Mr. President, last week in the city of Martinsburg, W. Va., one of the oldest and best known houses in that city fell to a demolition crew.

Located on the northeast corner of Burke and Spring Streets, it was the birthplace of the late U.S. Senator Harry Flood Byrd, Sr., of Virginia and was long the home of the late Dr. William Whann McSherry, a prominent physician and community leader.

Dr. McSherry served as a medical officer in the Army of the Confederate States of America. He returned to Martinsburg after the war and practiced medicine until his death in 1928. He was one of the earliest mayors of Martinsburg and was a founder and the first president of the Citizens National Bank of that city.

Senator Harry Byrd, Sr., was born at the McSherry home because the Senator's mother, Mrs. Richard Evelyn Byrd—the former Miss E. Bolling Flood—was a niece of the physician's wife, Virginia Faulkner McSherry.

Mrs. Byrd is unique in American political history. Her grandfather, Charles James Faulkner, was Minister to France. Her uncle, Charles James Faulkner II, was U.S. Senator from West Virginia. Her brother, Henry De La warr Flood, was a Member of the Congress of the United States and chairman of the Foreign Affairs Committee. A second brother, Joel West Flood, was also a Member of the U.S. House of Representatives.

Her husband, Richard Evelyn Byrd was Speaker of the Virginia House of Delegates; her son, Harry Flood Byrd, was Governor of Virginia and U.S. Senator from Virginia for 32 years; and her grandson, Harry Flood Byrd, Jr., is Virginia's present U.S. Senator.

POW FAMILIES BELIEVE LETTERS TO HANOI HELP

Mr. HANSEN. Mr. President, millions of Americans have written letters to Hanoi urging that the Communist government observe the Geneva accords relative to treatment of prisoners of war.

Many of us believe that Hanoi has shown some pattern of being responsive to the attitudes of the American people. When considerable publicity was given through the media to groups of Americans engaged in antiwar protests, Hanoi appeared to take a hard line in the apparent mistaken belief that the American Government would topple.

But subsequently, the media began to publicize the activities of millions of Americans in support of American policy, and it has become obvious even to the Communists that the vast majority of American people oppose their atrocities, and are especially horrified at their treatment of American prisoners of war.

The Alexandria, La., Daily Town Talk, shortly before Christmas, published two articles concerning the families of American airmen who are held prisoner or missing in action.

Alexandria is the location of England Air Force Base, home of fighter squadrons which have sustained losses in Vietnam. I quote from one of the newspaper articles:

All the wives believe the concessions which Hanoi has made, such as allowing 11 rather than seven-pound packages, and more packages each year, are a result of letter writing campaigns and the public's interest in the fate of the men.

These women and children, some of whom are too young to remember fathers who have been held captive for many years by the enemy, have been encouraged by the active concern of their fellow Americans as to the well-being of their loved ones.

Mr. President, I ask unanimous consent that the two articles be printed in the Record.

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

At Christmas Time Kids of POW Pose Hard Questions

(By Kathy Tilley)

The question has changed from "When will Daddy come home?" to "Will my daddy die?" for five and a half year old Jamie Lockhart whose father has been in a North Vietnam prison camp longer than any other American—almost six years.

At Christmas, that is a hard question for a mother to answer.

Tommy Smith, a seventh grader, poses even a harder question for his mother who waited five years before she learned her husband was a prisoner and not dead.

"Why doesn't God answer our prayers?"

Mrs. Thomas J. Curtis replies "God lets the best thing happen even though we might not know what is best."

"It's hard to tell a 12 year old boy his daddy may be doing more good where he is than at home with his son for Christmas," she added.

A difficult task

It is also a difficult task to plan a Christmas dinner with turkey and dressing, with all the trimmings, when you know your husband will have only a bowl of gruel made from an Asian variety of the squash family which has a repugnant smell.

Maybe, since it is a holiday, the prisoners will have two pieces of bread instead of one.

This year the prisoners are allowed to receive one 11 pound package from their families. The men requested such things as spices, candy, honey, peanut butter, dry puddings, canned meats, cookies and anything that mixes with water.

Jamie drew a special card for his daddy and Mrs. Curtis plans to enclose a couple of peppermint canes.

When you can only send one package every three months, you can't afford the frills of Christmas decorations.

Capt. Hayden Lockhart and Maj. Curtis have spent the past six Christmases in a POW Camp in North Vietnam.

Two other wives face the Yule season uncertain of their husbands' fate.

Mrs. Burke Morgan's husband was shot down over Laos in 1967 and Mrs. George C. Smith has had no further word about her husband since he disappeared in a raid over North Vietnam in 1965.

The Morgan children are four and seven. The Smiths have one boy, five years old, who has never seen his daddy.

Another Alexandrian is deeply involved in the POW crisis. Mrs. W. A. McBride's brother was captured in 1967 and his wife received her first letter this year.

Although Mrs. Hayden Lockhart and Mrs. Curtis have had letters from their husbands as recently as the first of December, the six line messages were written months earlier and Maj. Curtis' letters have hinted that all is not well in his POW camp.

Maj. Curtis' last letter was addressed to his wife's parents thanking them for taking care of his family while he was away.

"Have Terry (his wife) give all my old clothes to needy people," he said.

In a September letter to Terry he said, "Something needs to be done, time is getting short."

Yet the wives are optimistic. "We hope it is the last Christmas without our husbands. It could be very close now, closer than we are able to comprehend." Mrs. Smith believes.

Mrs. Smith says the military has given her "No hope," that her husband is alive. Her main concern now is to bring about the release of the known prisoners of war.

Mrs. Morgan said the military has not left her with much hope. "But I just can't give up hoping maybe."

The concern everyone has shown recently is making the holidays somewhat easier for the women.

Syndicated story

A story about Mrs. Lockhart and Jamie recently appeared in a syndicated column across the country and little Jamie has received dozens of letters simply addressed Jamie Lockhart whose daddy is a Prisoner of War: Please deliver, Alexandria, La.

One teenager wrote to Jamie, "Mankind should share their problems. We were put here to share and love one another but that promise was broken and we must try to put things back together again."

Christmas is a season of hope and promise. The families of men missing in action or prisoners in Southeast Asia hope that their men will be returned to them or that their fate will be known.

All the wives believe the small concessions which Hanoi has made, such as allowing 11 rather than seven pound packages, and more packages each year, are a result of letter writing campaigns and the public's interest in the fate of the men.

The Christmas cards many of the wives of POW or MIA are sending have two young girls on the front with an U.S. Air Force uniform hanging in the background. The caption reads, "My name is Frances. My daddy is a pilot prisoner in Hanoi. We miss him very much. Please, God, bring him home."

Inside the message, "May peace and joy of Christmas be yours throughout the New Year."

A message on the left asks concerned citizens to send a letter to President Ton Duc Thang, Democratic Republic of Vietnam, Hanoi, North Vietnam.

This gift will cost a quarter, but it may save a life, and it could help to fill the empty chair at the Christmas table of the lonely families of these brave men next year.

Classmates Write Hanoi

Classmates of Tommy Curtis at Brame Junior High are doing all they can to help bring his father home from a prisoner of war camp in North Vietnam.

Each of about 200 children in the classes of Mrs. Isabel Miller who teaches Tommy, not only wrote a personal letter to the President of North Vietnam but brought a 25 cent stamp from home in order to mail each letter individually.

The letters reflect a deep concern on the part of these not-yet-teenagers and all are politely written.

One begins "Dear Mr. President, I know you are busy but I wish to say some words . . ."

"Mrs. Curtis is so pretty and has the faith of an angel. Please let Maj. Thomas Curtis go," another reads.

A child's personal experience is often reflected in his letter. "I don't have a father and I know what it's like. Please send Maj. Curtis home."

One student requested an official list of prisoners be sent to the United States. "This would be a great Christmas gift to America, Mr. President."

PRACTICAL APPROACH

A more practical approach was taken by this student who said, "Would you allow one helicopter to fly over and pick up Maj. Curtis and bring him home for Christmas?"

Other thoughts include:

"Mrs. Curtis is taking it bravely, sir, but she is very worried."

"How would you feel if your family were back home waiting and praying for you to return."

"Let some of the prisoners go and see if it doesn't lift your heart."

"My father is in Thailand and he's coming home soon, and I know how Tommy Curtis feels."

"My father and I are so close I never have to look around for him. And that's the way I want it to be for Maj. Curtis and his son."

Tommy wrote, "Would you please let my father, Major Thomas Curtis, go? I haven't seen him since I was six years old. I can hardly remember his face."

REPUBLICANISM AND THE CONSTITUTION

Mr. GOODELL. Mr. President, after 7 years the war in Indochina continues. It has assumed a life of its own, seemingly beyond our ability to control. The toll in human life mounts. Two nations suffer. Vietnam has been devastated, physically and politically. And the United States suffers daily a moral and economic strain without parallel in our history.

All of us in Government must assume responsibility for the conduct of this war. It is not enough to call it a presidential war, for this summer we rejected an effort to end it legislatively. By refusing to exercise that power, I believe we acknowledged its existence.

Mr. President, today I am inserting into the RECORD a paper submitted to me during the debate on the amendment to end the war. I believe it to be an important and well-documented investigation of the role leaders of my own Republican Party played in various historical controversies that arose over congressional power and responsibility in American military enterprises.

The author points out that time and time again Republican leaders such as Lincoln, Sumner, Taft, and Eisenhower rose to assert the constitutional and political necessity that Congress maintain a firm, independent voice in the declaring and waging of war. I recommend this paper particularly to my colleagues on this side of the aisle, as a reminder of the doctrines of limited power and respect for constitutional process that have been the hallmarks of Republicanism.

The author of this paper is Richard L. Brodsky of Hartsdale, N.Y. Mr. Brodsky is currently a third-year student at Harvard Law School. I believe he deserves the recognition and the appreciation of this body for the quality of the scholarly effort and for the persuasiveness of his work.

Mr. President, I ask unanimous consent that this paper be printed in the RECORD at this point.

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

REPUBLICANISM AND THE CONSTITUTION: THE WARMAKING POWER

(By Richard L. Brodsky)

Out of a single great argument, the dominant issue of the mid-nineteenth century, was born the Republican Party. Its founders stated clearly that their purpose was to end the Peculair Institution, slavery: their success was swift and total. Within a decade they had constructed the dominant political party, which has remained one of the two cornerstones of our elective system.

The Republican Party, as the party in power, had to develop realistic policies and a philosophy of constitutional government. It is the purpose of this essay to trace the course of one thread of that philosophy of government.

The Republican Party has shown a consistent interest in the separation of governmental powers. Its spokesmen have always made clear that the prerogatives of the executive, legislative, and judicial branches must remain unimpaired. One area of special concern has been the attempts to define the elusive boundary between the powers of the executive and legislature over the decision to commit our nation to war. It is not the purpose of this essay to discuss and decide this constitutional problem. It is not the purpose of this essay to discuss the validity of the arguments advanced by leading Republicans, neither in the abstract, nor in the application of theory to the reality of a political crisis. Its sole purpose is to reveal the historical and present day concern of the Republican Party over the erosion of the Congressional role in the war-making decision process.

The relative importance of this Congressional power has fluctuated with the necessities of history. At different times, and from different governmental perspectives, Republicans have espoused different views. It would be impossible to state that any particular view spoke for the Party. It is possible, however, to assess the statements of leading Republicans through time and to see a thread, or more properly, hear a refrain, of varying strength but always present. What follows is a reconstruction of the incidents and theories, the heat of which helped forge Republican respect for legislative power.

The Republican Party was founded in 1854 and elected its first president six years later. It did not spring full grown from the foreheads of its founders, but was fashioned by their own earlier experiences in constitutional government.

1846, the year of the start of the Mexican War, saw the beginnings of the Party. The origins of the War, and the motivation of the belligerents, are complex, but behind the maneuvering of the United States and Mexico stood a disputed border territory between the Rio Grande and Nueces Rivers. When the Mexicans ignored American claims in 1846 and 1847, President Polk told the Mexicans he was willing to buy jurisdiction over the claims, the disputed territory and the California and New Mexico as well. Incensed, that his negotiator, John Slidell, should be first greeted and then expelled, the President, without consulting Congress, sent General Zachary Taylor across the border up to the east bank of the Rio Grande, occupying the disputed territory. General Taylor was warned by the Mexicans to remove his defensive naval blockade and leave, but he refused, and an incident occurred. President Polk was then faced with a situation in which American soldiers had been killed on "American" soil. Congress quickly declared war, "upon Mexico's provocation," being assured by the President that the war would end in three to four months.[1]

Footnotes at end of article.

Twenty months later, Congressional reaction grew caustic. Many resolutions criticizing the President were introduced, but tabled. They included one that would have set up a joint Congressional committee of five Senators and five Congressmen "to advise and consult upon the best mode of terminating the existing war with Mexico in a manner honorable to both belligerents."[2]

Even after a peace treaty had been concluded, the Congress still felt compelled to record its opposition to the course of the war. Representative George Ashmun, at the time a Whig from Massachusetts, and later to become Republican National Chairman, attached an amendment to a resolution commending Major General Taylor for his battlefield prowess. The amendment consisted of the words "in a war *unnecessarily* and *unconstitutionally* begun by the President of the United States."[3] This presented to the House of Representatives an opportunity to express its view of the President's unilateral exercise of the warmaking power. By a vote of 85 to 81 Representative Ashmun's resolution carried. Among those in the majority were the future Republican Senators Jacob Collamer of Vermont and James Dixon of Connecticut. Also, in favor of the amendment was Representative Abraham Lincoln of Illinois.

In his simple and compelling manner, Representative Lincoln discussed his reasoning in a letter to an old friend, Billy Herndon:

"Allow the President to invade a neighboring nation whenever *he* deems it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say*, he deems it necessary for such a purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how would you stop him? You may say to him, 'I see no probability of the British invading us' but he would say to you, 'be silent, I see it if you don't.'

"The provision of the Constitution giving the war-making power to Congress, was dictated, as I understood it, by the following reasons. Kings had always been impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Constitution understood to be the most oppressive of all kingly aggression; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."[4]

Representative Lincoln explained his vote to his fellow Congressmen:

"The distinction between the cause of the President in beginning the war, and the cause of the country after it was begun, is a distinction which you cannot perceive. To you the President, and the country, seems to be all one. You are interested to see no distinction between them; and I venture to suggest that possibly your interest blinds you a little. We see the distinction, as we think, clearly enough."[5]

In the ensuing period, with the memory of the Mexican controvery still fresh, the executive branch of the government showed a greater respect for Congressional authority. Presidents Fillmore, Pierce, and Buchanan, all Democrats, each faced incidents to which some form of armed response seemed appropriate. Each however, consulted with the Congress. For example, during the term of President Buchanan, an American naval officer, on his own initiative, arrested several American citizens attempting to overturn the government of Nicaragua. Although all parties agreed that the act itself was neces-

sary, serious questions were raised about its legality. William Seward, a Republican Senator from New York, and later to be President Lincoln's Secretary of State, spoke this question:

"It is complained that that act was illegal; and it appears very plainly that we have no laws that authorize a naval officer in command in such a case to arrest fugitives. . . . Such an act can only be authorized by some law of this national Congress. . . . It seems that the President has balanced this case with exact justice. He has censured the fugitives; he designates them as a force that had gone, as marauders and pirates, to levy war against a peaceful state. He has, at the same time, admitted that the officer who arrested them has violated the laws, and has pronounced his censure in such a marked and distinct manner that it is not to be inferred by anyone that the President would sanction or approve such transactions even though they may be harmless or beneficial, hereafter." [6]

This is the first example of a most interesting facet of the governmental theories of the Republican Party. Although in complete agreement as to the wisdom of the action, and thus supportive of the President, Senator Seward reviewed the question whether the procedure was consistent with constitutional government. Repeatedly, similar questions have been raised by leading Republicans who recognized that the manner in which we make decisions is, in the long run, as important as what decisions we make.

The Republican Party assumed control of the Government in 1861, and shortly thereafter the War Between the States began.

The extraordinary military and executive powers assumed by President Lincoln are of course not analogous to any other executive experience, since the broad power of the President to put down insurrection is recognized as implicit in his duty to execute the laws.

Yet, in spite of his unique executive position, Mr. Lincoln remained faithful to his own preachings. As one distinguished commentator has said, "At no time did he ever indicate that he believed that the President had the power to employ forces abroad without the consent of Congress." [7]

Even if he had been inclined otherwise, the Republican Congress gave explicit notice that it planned to protect its prerogatives. When French Emperor Napoleon III placed Archduke Maximillian in control of Mexico, a move thought to be a prelude to the establishment of a French protectorate, the Republican-dominated House passed 109–0 and without debate House Joint Resolution 58. Introduced by Republican Henry Winter Davis, Chairman of the House Foreign Affairs Committee, it stated that it was not the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government.

President Lincoln, through his Secretary of State William Seward, informed the House that the President had greeted the Resolution with the respect it deserved, and planned to maintain the present policy of neutrality in the dispute between France and Mexico.

The House, again led by Congressman Davis, sensed a rebuff to its stand in opposition to Maximillian, and later in the year reaffirmed it, by a vote of 118 to 8:

"Congress has a Constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well as in the recognition of new powers as on other matters and it is the constitutional duty of the Executive Department to respect that policy, not less in diplomatic negotiations than in the use of national force when authorized by law." [9]

The power of recognition and the conduct of diplomatic negotiations are considered vested in the Presidency. Yet this strong Congressional declaration was assented to by 61 Republicans, among whom were Thaddeus Stevens of Pennsylvania; Robert C. Schenk of Ohio; Henry Winter Davis of Maryland; Thomas Williams of Pennsylvania; Anson P. Morrill of Maine; and James A. Garfield of Ohio, later to be the 20th President of the United States. President Lincoln did not challenge the right of Congress to so resolve, and the Executive never recognized Maximillian as the ruler of Mexico.

Beginning with the election of Ulysses Grant in 1868, the Republican Party assumed the Presidency for 36 of the next 44 years. This period saw great interest on the part of the United States in Latin America. Much of this can be ascribed to the Monroe Doctrine, expansion of our military and political influence, and the special relationship between the nations of the Hemisphere. In spite of these additional inducements to speedy executive action, the next forty years show a continuing recognition on the part of both the Presidency and the Congress of the need to maintain a system of checks and balances. Congress was not denied its authority over the commitment of troops.

Early in his first Administration, however, President Grant attempted, on his own authority, to use the military abroad. While negotiating with the United States for the purpose of annexation, the Dominican Republic was attacked by Haiti. The President ordered the naval forces of the United States to aid in resisting these attacks, an order given as part of his personal promise to the Dominican Republic's foreign minister to do everything possible to achieve annexation.

Congressional reaction was swift. It focused on a series of eight resolutions introduced by Senator Charles Sumner (R.-Mass.):

"Resolved, that under the Constitution of the United States the power to declare war is placed under the safeguard of an act of Congress; that the President alone cannot declare war; that this is a peculiar principle of our government by which it is distinguished from monarchical governments, where power to declare war, as also the treaty making power, is in the President alone; that in pursuance of this principle the President cannot, by act of his own, as by an unratified treaty, obtain any such power, and thus divest Congress of its control; and that therefore the employment of the Navy without the authority of Congress in acts of hostility against a friendly nation; or in belligerent intervention in the affairs of a foreign nation, is an infraction of the Constitution of the United States and a usurpation of power not conferred upon the President." [10]

In support of his resolutions, much respected Senator Sumner explained that constitutional government, and the constitutional precepts that were the bulwark of his own party, were at stake:

"An act of war without the authority of Congress is no common event. . . . Such a case cannot pass without inquiry. It is too grave for silence. For the sake of the Navy, which has been the agent, for the sake of the republican institutions, which suffer when the great Republic makes itself a pattern of violence, and for the sake of the Republican Party, which cannot afford to become responsible for such conduct, the case must be examined on the facts and the law." [11]

President Grant accordingly withdrew his order for the use of naval forces against Haiti before any hostilities commenced, but the Congress was aroused. By a 28–28 vote, the Senate refused to ratify the President's treaty. The President thereafter made no further effort to assert his authority to send our army abroad without the consent of Congress. In his message to Congress on June 13, 1870, concerning a dispute with Spain over Cuba, his acquiescence was complete. Dismayed by the continuous failure of Spain to maintain peace on the Cuban island, resulting in the loss of American lives and property, he declared:

"In view of the gravity of this question, I have deemed it my duty to invite the attention of the warmaking power of the country to all the relations and bearings of the question in connection with the declaration and granting of belligerent rights." [12]

Nor, when another of the never ending disorders on the Mexican border broke out in 1876, would the State Department use force to help the Americans in Mexico, because the President felt it lacked the power to do so.[13]

President Rutherford B. Hayes, another Republican, elected in 1876, did not "express himself directly on the power of the President to send troops abroad without Congressional authority, but his actions indicated that he recognized that this power belonged to Congress." [14] From 1879–1884 Chile was in a bitter conflict with Peru and Bolivia. Chile, the eventual victor, was demanding the rich nitrate beds of Peru. In the course of the war American lives and property were destroyed. The President, nevertheless, refused to intervene.

President Chester A. Arthur, assuming office upon the death of President James A. Garfield in 1881, also recognized the scope of the war-making powers of Congress.[15] When there was continued lawlessness along the Mexican border he requested Congress "to provide the necessary legislation for its suppression." [16]

The generally Republican Congresses were in accord with this trend in Presidential policy. Their actions took the form of requests for continued information and statements of concern. Latin America continued to garner much attention and activity, but this era did not see significant foreign military involvements, and an understanding developed between the two branches of government regarding their respective roles.

The pattern of Republican Presidents deferring to Republican Congresses in the determination of foreign affairs was continued with the administrations of Benjamin Harrison and William McKinley. "In the interval from 1889 to 1901 very little leadership was provided by the Republican occupants of the White House. Both (Harrison and McKinley) displayed a willingness to accept the view that in Congress, especially the upper branch, properly rested the primary responsibility for the governing process." [17]

In 1891, a bloody civil war erupted in Chile. The rebels acquired a shipload of arms in California and set sail from San Diego with two American ships in hot pursuit. Explaining his policy of neutrality, President Harrison reported to Congress that "the instructions of our naval officers and to our ministers at Santiago from the first to the last of this struggle enjoined upon them the most impartial treatment and non-interference." [18] Even though United States sailors were attacked while on leave in Valparaiso, the President, in referring to reparations, continued:

"If these just expectations should be disappointed or further needless delay intervene, I will by special message bring the matter again to the attention of Congress for such action as may be necessary. The entire correspondence with the government of Chile will at an early date be submitted to Congress."

True to his word, President Harrison submitted that correspondence to Congress with a message concluding that, "In my opinion I ought not to delay longer to bring these matters to the attention of Congress for such action as may be deemed appropriate." [19]

As the military and economic strength of

Footnotes at end of article.

our nation increased, so did the risk of armed conflict abroad, and the Executive necessarily more assertive in the making of foreign policy. After three years of bloody struggle between Spain and Cuban revolutionaries, President William McKinley tried to negotiate a settlement to avoid war with Spain, but to no avail. On February 15, 1898, the U.S. battleship *Maine* was blown up under mysterious circumstances in Havana, Cuba. The President was cognizant of Congressional responsibility in this area, and Congress was insistent upon its right to be heard. The President came before the Congress with these words:

"It becomes my duty to now address your body with regard to the grave crisis that has arisen in the relations of the United States to Spain by reason of the warfare that for more than three years has waged in the neighboring island of Cuba. . .

"In view of these facts and of these considerations (much death and the destruction of property, both Cuban and American) I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the government of Spain and the people of Cuba. . .

"The issue is now with Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action." [20]

Congress declared war ten days later.

Upon the death of President McKinley, the Presidency was assumed by Theodore Roosevelt. In 1909, President Roosevelt acted without first seeking Congressional authorization. The Congress quickly challenged his authority to limit the Marine Corps, by Executive Order, to on-shore duty. Congress demanded the use of marines on battleships and cruisers as well. To insure executive compliance it made all Marine Corps appropriations conditional upon fulfillment of this prerequisite. Senator Charles W. Fulton (R.-Ore.) argued:

"I have no doubt that Congress has power to say that the money shall not be expended in the payment of a particular corps of the army if it shall be stationed in a particular place.

"The simple fact that the President in advance had sent the army there would not persuade Congress from still expressing its Constitutional function of ordering it removed from there." [21]

Senators William Borah (R.-Idaho) and Henry Cabot Lodge (R.-Mass.) were staunch supporters of the President's position. They recognized bounds to the power of the Congress, as Senator Borah pointed out in describing the power of the President:

"(a)s Commander in Chief (the President) has certain constitutional powers which he may exercise and which Congress cannot control." [22]

Yet, when they were questioned, it became clear that the stand they took in favor of the Presidential power was limited. Senator Augustus O. Bacon (D.-Ga.) asked Senator Borah if the Congress could order the President to move troops out of Washington if, hypothetically, he had moved them in. Senator Borah:

"Oh, yes; I think it has that power." [23]

Senator Lodge was asked if he thought the Presidential power was subjected to Congressional regulation:

"I think that unquestionably it can be regulated by an act of Congress." [24]

Senator Fulton summarized the views of his colleagues saying of the Presidential power that it was supreme:

"(In) movements of military forces and matters of that character that pertain distinctly and peculiarly to the duties of a Commander in Chief. In those matters he is supreme, but after all he is subordinate in all cases to such rules and regulations as Congress shall make. . . . (H)e is nothing more than any other commander in point of power except that he is the supreme commander." [25]

This strong view of the respective Constitutional powers of Congress and the President, limiting the latter to tactical decision, is remarkable for several reasons. Whatever the intrinsic merits of the proposition, it is offered by supporters of the President's position. These leading Republican Senators were not willing to weaken their concept of the Constitutional separation of powers for partisan or transient motive. Equally with Senator Sumner, the fact that the President was also a Republican could not induce them to expose their Constitutional procedure arguments to the exigencies of advocating substantive proposals.

The bill, with its limiting proviso was passed by both houses, and signed by the President.

Succeeding Roosevelt to the Presidency was another Republican, William Howard Taft. Aware of the established doctrine of separation of powers, the New President thought he could not send troops into a foreign country without prior Congressional authorization. Although there was another revolution in Mexico and he recognized his power to move United States troops to the Mexican border, President Taft conceded that he lacked the authority to order them across it. In a letter to his Chief of Staff, March 15, 1911, he wrote:

"It seems my duty as Commander in Chief to place troops in sufficient numbers where, if Congress shall direct that they enter Mexico to save American lives and property, an effective movement may be promptly made. . . ." [26]

President Taft, an experienced attorney and later to become Chief Justice of the Supreme Court, elaborated on his opinion of the Constitutional role of the President in foreign affairs:

"The assumption by the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without Congressional approval." [27]

During the Democratic Administration of Woodrow Wilson, the trend towards executive commitment of American forces accelerated and the Republican leadership cast a wary eye on any suspected usurpation of Congressional power, Senators Lodge and Elihu Root (R.-N.Y.) were especially dismayed whenever the President acted first and asked later for Congressional approval.

When President Wilson decided to arm American commercial vessels just prior to World War I, the Congress challenged his right to do so. Senator Fall (R.-N. Mex.) said:

"When the President might now possibly authorize ships to clear from the port (with armaments) . . . the President of the United States could not possibly authorize any merchantman sailing from the United States to defend itself against the attack of a German submarine. Congress, and Congress alone, can give such authority to such merchantmen." [28]

In support of his view on Congressional limitation of the Executive's foreign powers, Senator James G. Blaine (R.-Wisc.) introduced an article analyzing the Constitutional issue underlying the controversy. It was authorized by the Honorable Charles E. Hughes, the Republican Presidential candidate in 1916, a distinguished attorney, and later Chief Justice of the Supreme Court. The article pointed out:

"While the President is Commander in Chief, in the Congress resides the power to 'raise and support armies' and 'to provide and maintain a Navy' and 'to make Rules for the Government and Regulation of the land and Naval forces; and as a safeguard against military domination the power to raise and support armies is qualified by the provision that no appropriation of money to that use shall be for a longer term than two years . . . The Congress is to prescribe the military establishment, fix numbers, regulate equipment, afford maintenance, and for these purposes appropriate such amounts of money as it thinks necessary." [29]

Towards the end of the war, Rep. Nicholas Longworth (R.-Ohio) returned again to the Republican concern for the maintenance of the process and institutions by which we govern ourselves:

"Thoughtful men must realize that second only to defeat is the danger that when the war is over it may be found difficult, if not impossible, to return the Government to its ordinary status in time of peace, with all the checks and balances in full force and effect necessary to the Government of a free people." [30]

After the end of the war, the Party continued its advocacy of strong Constitutional government. The 1920 New York State Republican Convention adopted a platform proposing "that the United States assumes no obligation, either legal or moral, to send American soldiers or sailors for service abroad unless the Congress, in the exercise of its constitutional power, shall so authorize and direct." [31]

International turmoil soon re-engaged the attention of the nation. Civil war was waging in Mexico and Nicaragua in the late 1920's. In Nicaragua the faction supported by President Calvin Coolidge, a Republican, was on the verge of defeat. To tip the scales, and to protect American lives and property, the President ordered several thousand marines into the country. This renewed the debate over Presidential power to dispatch troops internationally without Congressional authorization, and leading Republicans resumed their pursuit of Constitutionally limited government.

Senator Borah (R.-Idaho) analyzed the situation as follows:

"If our program means that we are to establish a protectorate over the Central American countries, and force upon them loans which they do not desire, or economic policies which they think unwise, let us have it out in the open, and, before we adopt the policy, let the American Congress speak in regard to it." [32]

Senator Lynn Frazier (R.-N. Dak.) pointed out:

"Despite partisan appeals to political partisanship, I am convinced that a large majority of the members of both branches of Congress are opposed to our forcible interference with the internal affairs of Nicaragua and still more strongly opposed to any breach in our friendly relations with Mexico.

"Under the Constitution, Congress has the sole right to declare war. Yet Congress is kept in ignorance of facts and circumstances which seemingly tend to be dragging this nation into war, and when Senators and Representatives ask for this information—for all the information—they are told that it is against public interest.

"Our government already has landed Marines in Nicaragua without consulting Congress. Twice within recent years armed forces of the United States have invaded Mexico. In view of the present tense feeling in Mexico a repetition of such an unlawful invasion might easily lead to an 'overt act' and it would be comparatively easy for the administration to excite our own people by propaganda. Then, if Congress were reassembled, we would be facing a condition

Footnotes at end of article.

where it might be made to seem that 'national honor' was involved." [33]

To meet the contingencies in Mexico and Nicaragua two resolutions were introduced by Senator Frazier. Senate Resolution 329 read:

"Whereas the Constitution specifically limits the power to declare war to the Congress of the United States, in the provision section 8, enumerating the powers specifically reserved to Congress to declare war and

"Whereas the use of armed forces of the United States in any foreign country for purposes of intervention or on primitive expeditions or for the alleged purpose of protecting lives, and property of American citizens, resident or situated therein, has in the past led to serious complications and

"Whereas such armed intervention is in effect undeclared war and in contravention of the spirit if not the letter of the Constitution.

"Therefore, let it be resolved: That it is the sense of the Senate that the President of the United States should not exercise the powers of the Commander in Chief of the Army and Navy of the United States to send any of the armed forces of the Nation into Mexico, or to mobilize troops on the Mexican border, or to assemble fighting units of the Navy in waters adjacent to Mexico while the Congress of the United States is not in session, but that if and when he contemplates such action he shall immediately summon the Congress in Special Session and communicate to it the reasons for such proposed military action." [34]

This resolution was allowed to die in committee. However, such congressional statements are almost as powerful in their effect on policy when they are theoretical, as when they are actualized. The Executive Branch was sufficiently appraised of Congressional sentiment by this resolution to realize the limits of his power.

During the 1930's the nation was preoccupied with the Depression, and paid scant attention to foreign affairs. With the rise of Hitler and the rumble of onrushing conflict, came the awakening, and the debate over war-making power resumed. The 1940 Republican platform's national defense plank stated: "We condemn all executive acts and proceedings which might lead to war without the authorization of the Congress of the United States."

The Party's standard bearer, Wendell Willkie, argued in support of this psition during his campaign:

"No man has the right to use the great power of the Presidency to lead the people, indirectly, into war; only the people through their elected representatives can make that awful decision.

"In times of peace the President has no power to convoy merchant ships if the practically necessary result of such convoying is war. Such action then becomes an infringement on the power of Congress to declare or not declare war; and when pressed to this extent there is no legal right." [35]

Senator Robert Taft (R.–Ohio) made substantially the same argument on the floor of the Senate when discussing the landing of American troops in Iceland:

"The President's legal powers are limited to the defense of the United States, and of its citizens, and of the property of its citizens. Of course, he has, without the approval of Congress, the right and duty to resist insurrection and invasion of the United States. If a nation makes or declares war on the United States, it is the President's duty to carry on that war. . . . But the landing of troops in Iceland is not taken for the protection of American life or American property." [36]

Footnotes at end of article.

National Chairman, Henry Fletcher, and ten other Republican leaders affixed their signatures to the following statement:

"The American people should insistently demand that Congress put a stop to step-by-step projection of the United States into undeclared war. Congress has not only the sole power to declare war but also the power and responsibility to keep the country out of war unless and until both Houses have otherwise decided. . . .

(On Anglo-Russian alliance) "Such warlike steps, in no case sanctioned by Congress, undermine its constitutional powers and the fundamental principles of democratic government." [37]

Members of the Congress added their voices to the chorus. Representative Louis D. Thill (R.–Wisc.) felt that steps had to be taken to curtail the President's unilateral activities in the foreign field and reported that:

"Aroused by President Roosevelt's constant disregard of Congress in undertaking steps in the foreign field, a majority of the House Republican membership in conference have adopted a resolution condemning all executive acts and proceedings which might lead to war without the authorization of the Congress of the United States." [38]

When President Roosevelt gave orders to U.S. ships to fire on any Italian or German armed vessels they encountered, Senator Arthur Capper (R.-Kans.) responded to what he saw as further usurpation of Congressional power.

"I am still bitterly opposed to sending American expeditionary forces overseas to fight in this or any other foreign wars. I shall continue to oppose such action until Congress itself has made the decision.

"Moreover, I say that the decision of war or no war is a decision that should be made by Congress. I believe it is the duty and responsibility of the President under the Constitution to ask the Congress to declare war if it is the President's judgment that the National defense demands that the United States goes to war." [39]

Representative Hamilton Fish (R.-N.Y.) also expressed deep concern over President Roosevelt's attempts to act unilaterally in the foreign field:

"I am convinced that all members of the House, Republicans and Democrats, will oppose any attempt to put us into an undeclared war in defiance of the Constitution, as there would be no unity in America if we should follow the tactics of Hitler, and other foreign dictators, and permit one man to plunge 130,000,000 Americans into an undeclared war." [40]

Many of these men were aligned with the "isolationist camp. Whether or not history has proven them correct in their position, it remains clear that their arguments over the procedures by which the nation commits itself to such conflict remain viable. The purpose of placing the war-making power in the Congress is to insure that the commitment to armed conflict is broad-based, and representative. The arguments against erosion of the Congressional power must be acknowledged as Constitutionally viable.

When World War II arrived, the Congress recognized it as a tragic necessity, and worked closely with the President for the defense of the nation. As the war drew to a close, the Republican Party, in its 1944 platform, reaffirmed its belief that foreign affairs should be dealt with by both the Congress and the President, and that the historic role of the Congress be restored:

"We favor the maintenance of postwar military forces and establishments of ample strength for the successful defense and safety of the U.S., its possessions and outposts, for the maintenance of the Monroe Doctrine, and for meeting any military commitments determined by Congress." [41]

With the cessation of hostilities came the problems of peace. Congress was quick to criticize President Truman when he ignored Constitutional responsibility of Congress in the arena of foreign affairs. Throughout the halls of the Capitol were heard words like these:

"Mr. Speaker, we are asked to support the President in this crisis. Obviously that is the duty of all Americans. But how can we support the President unless we know what the President stands for? How can we support the foreign policy of the United States unless we know what it is? . . . But it is high time that the State Department and the President of the United States took the Congress of the United States and the individual members of this Congress into their confidence." [42]

Representative, and later Senator, Hugh Scott (R.-Pa.) continued to express his concern over what the President was doing.

"If the President expects to receive public confidence he must take the people into his confidence and conduct our international affairs in the manner provided by the supreme law of the land." [43]

Representative Roy Woodruff (R.-Mich.) agreed:

"One of the most sensational aspects of American intervention in the Korean War is President Truman's demonstration of the use of the United Nations to bypass the United States Congress as the sole repository under the Constitution of the prerogative to declare war.

"While the undertaking to defend South Korea from invasion has received almost unanimous support in Congress, Mr. Truman's procedure for calling American armed power into action is being widely questioned as to its legality." [44]

This is another instance, explicitly stated, of the Republican concern for correct procedure even when there is unanimous agreement on the substance of the issue. These constant reminders may seem gratuitous, but it was felt to be important that, in the thickening fog of contemporary international events, the proper separation of powers be clearly seen.

Representative Frederic Coudert (R.-N.Y.) introduced House Joint Resolution 9 on January 3, 1951, as the product of his belief that President Truman had exceeded his Constitutional authority by sending troops to Korea. He declared that it:

". . . was essential that Congress re-establish control of the use to be made of American military forces outside the United States. No forces should be sent or maintained outside the United States without the assent of Congress and that no funds should be used for the support of such forces without authorization of that body, except if necessary to facilitate the extrication of United States forces now in Korea." [45]

Senator Taft, while approving of our involvement in the Korean conflict, also objected to the unconstitutional manner in which the United States had become involved.

"The President simply usurped authority in violation of the laws and Constitution, when he sent troops into Korea." [46]

And:

"It seems to me that we certainly should have the best advice in regard to what the military facts are. I see no reason why we should not demand that they be given to us, entirely apart from what the foreign policy of the State Department may be." [47]

When the Senator continued to be unsuccessful in his effort to assert the Constitutional rights delegated to Congress, he said:

"His action unquestionably has brought about a de facto war with the Government of Northern Korea. He has brought that war about without consulting Congress and without Congressional approval. We have a situation in which in a far distant part of the

world one nation has attacked another, and if the President can intervene in Korea without Congressional approval, he can go to war in Malaya or Indonesia or Iran or South America. . . . It is claimed that the Korean situation is changed by the obligations into which we have entered under the Charter of the United Nations. I think this is true, but I do not think it justifies the President's present action without approval by Congress." [48]

In 1951, with this controversy still fresh in the minds of Congress, debate on implementation of the North Atlantic Treaty began with discussion of the Presidential commitment of the United States troops to Korea. The Senate's Republicans were adamant that Congressional authority over troop commitment be re-asserted.

Senator Kenneth S. Wherry, the Republican floor leader from Nebraska introduced Senate Resolution #8, which stated:

"*Resolved,* That it is the sense of the Senate that no ground forces of the United States should be assigned to duty in the European area for the purposes of the North Atlantic Treaty pending the formulation of a policy with respect thereto by the Congress." [49]

During the debate Senator Wherry insisted Congress not become an Administration rubber stamp. He said:

"The issue is that Congress must make the determination whether Congress will permit the President to commit the people of the United States to an integrated army in Europe without the consent of Congress, and also that Congress should assert its right to put limitations on the sending of United States ground forces to the European area for the purposes of the North Atlantic Treaty . . .

"Obviously, all our debate on the subject will be pointless if the President alone is to do all the deciding, and the Congress becomes merely a rubber stamp to appropriate whatever sums of money he may deem to be necessary to finance the defense policy that he alone determines." [50]

Senator Wherry's resolution was incorporated into the more inclusive Senate Resolution 99 which eventually passed by a 69 to 21 vote, on April 4, 1951.

This Resolution, under Article 3 of the North Atlantic Treaty, required "The President, before taking action to send units of ground troops to Europe should consult the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the Senate and House Armed Services Committees. Further, no ground troops in addition to four divisions should be sent to Western Europe in implementation of Article 3 without further Congressional approval." [51]

Senator Robert Taft explained the position of the Republican leadership on this issue, and described the appropriations power of the Congress as a proper means of asserting Congressional power:

"It is all very well to talk about six divisions or any other number of divisions. It is all very well to talk about what we are going to do, and what we ought not to do. Unless we establish our opinion, unless we state affirmatively our faith that we have here provided. We have other powers, such as the control of the purse, by which to impose our desires if this resolution is no more than a statement of the Senate of the United States." [52]

The supporters of this assertion of Congressional responsibility included virtually all the leading Senate Republicans and the junior Senator from California, Richard Nixon.

Other distinguished aye votes came from Senators George Aiken, Robert Taft, Margaret Chase Smith, Owen Brewster, Capehart, Carlson, Hickenlooper, Martin, Ines, future Majority Leader William Knowland, Henry Cabot Lodge, Leverett Saltonstall, Thye, Watkins, Wiley, and many others.

Although the companion resolution was defeated 84 to 131 in the House, Rep. Frederick Coudert's amendment was warmly supported by Congressman H. R. Gross of Iowa.

"The power to declare war and send troops to battle on foreign soil is a power that must be retained by Congress. If it is not so retained, the very structure of this government will eventually fall.

"I support this amendment to limit American ground troops in Europe to 6 divisions without action by Congress to increase its strength." [53]

The preamble to the 1952 Republican platform also dealt with the controversy over the acknowledged expansion of Executive activity:

"We charge that they (the Democratic Administration) have plunged us into war in Korea without the consent of our citizens through their authorized representatives in the Congress." [54]

Congressional reaction to President Truman's seizure of the steel mills, as necessary to the war effort, was similar to the reaction to Korea, but more severe. House Resolution 614 was introduced, impeaching the President.[55] Representative Mason (R.-Ill.) commented on this resolution:

"Therefore, President Truman's powers are powers he must have received either from his predecessors or from the inalienable powers of the Constitution. . . . It (the seizure of the mills) is a plain violation of that Constitution and of the President's oath of office. . . . The only remedy is impeachment. . . . Nothing short of this will do. It should be taken immediately." [56]

Representative Shafer (R.-Mich.) likewise went on record favoring impeachment:

"I am compelled to pass judgment upon his official acts as I believe the American people have passed, and are passing, judgment, and as I believe the House in performance of its constitutional duty, should officially pass judgment. . . .

"And I am convinced that the only hope for the resolution of these Constitutional issues . . . lies in the process of impeachment. . . ." [57]

Supreme Court Justice Jackson discussed the extent of Presidential powers incident to those of commander in chief. In his concurring opinion in *Youngstown Sheet and Tube Co. v. Sawyer,* 343 U.S. 579, 642 (1952) he opined:

"Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement;" [58]

And at 644:

"While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army or navy to command." [59]

The Court found that the President had exceeded his Constitutional powers.

The Republican Party returned to the White House in the person of Dwight Eisenhower. He felt keenly the need to return to the Founders' limitation on the President's war making authority. His *Mandate for Change* expounded a concept in language similar to that of the Founding Fathers. "Part of my fundamental concept of the Presidency is that we have constitutional government and only when there is a sudden unforeseen emergency should the President put us into war without Congressional action." [60]

In the State of the Union message of February 2, 1953, the President elaborated on his concept of the separation of powers:

"This policy (foreign) will be governed by certain fixed ideas. They are these:

"(1) Our foreign policy must be clear, consistent, and confident. This means that it must be the product of genuine, continuous cooperation between the executive and the legislative branches of this government. It must be developed and directed in the spirit of true bipartisanship." [61]

What the President offered as his philosophy was not empty rhetoric. In practice, he sought Congressional authorization before committing American troops overseas. Senator Arthur Watkins (R.-Utah), in a letter to the President, wrote on the subject:

"If the international situation deteriorates to the point where it is apparent that an attack upon us or any of our allies is imminent, then the President should advise Congress of the situation and *ask for* general authority for instant retaliation in the event an attack finally occurs at a location which would immediately endanger our life as a nation or gravely affect our power to wage a war in defense of our liberties." [62]

On Vietnam and Indochina President Eisenhower explained:

"There is going to be no involvement of America in war unless it is a result of the Constitutional process that is placed upon Congress to declare it. Now let us have that clear." [63]

When the President was met with the problem of defending Formosa in 1955 he sent a special message to the Congress stating his policy (Jan. 24, 1955). The message clearly implied a recognition of the necessity for Congressional authorization of military action. He requested Congress to supply him with a Joint Resolution which "would contemplate the use of armed force of the United States if necessary to assure the security of Formosa and the Pescadores." [64]

He continued:

"Authority for some of the actions which might be required would be inherent in the authority of the Commander in Chief. Until Congress can act I would not hesitate, so far as my Constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States. . . . To make (our readiness to fight) plain requires not only Presidential but also Congressional action. . . ." [65]

President Eisenhower again exhibited his faith in Constitutional procedure when he went to Congress for standby authority to send troops to the Middle East in 1957.

Congress did grant that request. But 25 of 61 dissenting votes in the House came from Republicans who felt that even with the President's close cooperation there had been an abdication of too much authority.

Representative Clare Hoffman (R.-Mich.) eloquently explained his vote against the President, echoing his Republican ancestors Lincoln and Sumner, and giving to Constitutional government a respect that transcended partisanship:

"The Constitution limited to Congress and gave to no one else the power to declare war . . . (H.J. Res. 117) authorized the President to employ the armed forces of the United States as he deems necessary to secure and protect the territorial integrity (of Middle Eastern Nations). . . . But granting this power to the President established a precedent which cannot be ignored . . .

"I believe in the principles of government laid down by the Constitution. Adherence to those principles has given us what we have, made the nation what it is.

"Much as I wish to join my colleagues in this vote, to comply with the President's request, my allegiance is not to the President, but to my party, but to my country.

"I cannot and will not shirk my responsibility.

"Nor can I cast a vote which, in my judgment, does violence to my oath to support the Constitution, however expedient at the moment such action seems to be." [66]

Representative Sheehan (R.-Ill.) also dissented on the same grounds:

Footnotes at end of article.

"Based upon constitutional principles, I cannot support the resolution (Middle East). By asking Congress for the passage of this resolution, the President who knows that this power belongs to Congress, requests that we surrender or abdicate this Constitutional power to the executive branch." [67]

Nor was the Senate Republican membership completely silent as William Jenner's (R.-Ind.) statement:

"In accordance with my oath as Senator, to uphold the Constitution, I cannot justify my voting to give the President the arbitrary powers over the spending of our natural resources or the employment of our Armed Forces, which are granted in the Middle East resolution. If Congress gives a blank check power to the President for the use of American Armed Forces, it will have voted away its Constitutional power to declare war." [68]

This chronology closes as we draw near upon the complexities, legal and political, of the Vietnam conflict. It remains possible to examine the essence of Republican theory and to draw contemporary analogies. Whether from the Congress, as exemplified by Messrs. William Taft and Hughes, or the Presidency, as exemplified by Messrs. Lincoln, Grant, Roosevelt, and Eisenhower, the luminaries of the Republican Party have kept in sight the Constitutional limitations of the Presidency, and the need for cooperation among the branches of government. Those Republicans urging similar arguments today, may claim the heritage of their distinguished Republican ancestors.

FOOTNOTES

[1] Pratt, *A History of the United States Foreign Policy*, 1955 p. 250.
[2] *Cong. Globe*, Jan. 3, 1848, p. 94.
[3] *Ibid.*, 95.
[4] Basler, ed., *The Collected Works of A. Lincoln*, I 1824–48, 1953, pp. 451–452.
[5] *Ibid.*, 515.
[6] Congressional Globe, Jan. 7, 1858, p. 219.
[7] Putney, "Executive Assumption of the War-Making Power", *National University Law Review*, Senate Document 39, 70th Congress, 1st Session, 1928.
[8] Congressional Globe, April 4, 1864, p. 1408.
[9] Congressional Globe, Dec. 19, 1864, p. 66–67.
[10] Putney, op. cit. at 11.
[11] *Ibid.*, 11.
[12] Congressional Record, June 13, 1870, p. 4382.
[13] *Indo China, the Constitutional Crisis*, May 13, 1970, p. 57117.
[14] Putney, op. cit. at 12.
[15] *Ibid.*, 12.
[16] Second Annual Message of President Arthur, Dec. 4, 1882, United States President's Messages (Annual), p. 4.
[17] Clarence Ames, *Republican Heyday*, Privately Published, Ann Arbor, Mich., 1962, p. 5.
[18] Third Annual Message of President Harrison, Dec. 9, 1891, United States House Executive Documents, p. 7.
[19] Cong. Rec., Jan. 25, 1892, p. 520.
[20] Cong. Rec., April 11, 1898, pp. 3699, 3702.
[21] Cong. Rec., Feb. 16, 1909, p. 2452.
[22] Cong. Rec., Feb. 16, 1909, p. 2447.
[23] Cong. Rec., Feb. 16, 1909, p. 2447.
[24] *Ibid.*, p. 2451.
[25] *Ibid.*, p. 2452.
[26] Cong. Rec., Dec. 7, 1911, p. 71.
[27] *Ibid.*
[28] Cong. Rec., Feb. 27, 1917, p. 4383.
[29] Hughes, *War Powers Under The Constitution*, 1917, adopted by the 65th Congress, 1st Sessions, as Senate Document No. 105, p. 4.
[30] Cong. Rec., March 16, 1918, p. 3619.
[31] Butler, *The Republican Party and International Policy*, an address at New London, Conn., Oct. 16, 1920.
[32] Cong. Digest, April, 1927, p. 125.
[33] Cong. Rec., March 3, 1927, pp. 5523, 5527.
[34] Cong. Rec., January 21, 1927, p. 2057.
[35] Wilkie, speech of June 18, 1940, Brooklyn Republican Club in Cong. Rec., Oct. 23, 1941, p. 8239.
[36] Cong. Rec., July 10, 1941, p. 5926.
[37] New York Times, Aug. 6, 1941, p. 6.
[38] Cong. Rec., Aug. 13, 1941, p. 3910.
[39] Cong. Rec., Sept. 15, 1941, p. 7404.
[40] Cong. Rec., Oct. 16, 1941, p. 7954.
[41] Republican Platform, 1944, Postwar Preparedness, Kirth H. Porter and Donald Bruce Johnson, *National Party Platforms, 1840–1956*.
[42] Cong. Rec., Dec. 5, 1950, p. 16123.
[43] *Ibid.*
[44] Cong. Rec. July 3, 1950, p. 4901.
[45] Coudert, cited in Smith, Louis, *American Democracy and Military Power*, 1951, University of Chicago Press.
[46] Cong. Rec., Jan. 5, 1951, p. 57.
[47] Cong. Rec., Jan. 11, 1950, p. 299.
[48] Cong. Rec., June 28, 1950, pp. 9322, 9323.
[49] Cong. Rec., Jan. 8, 1951, p. 94.
[50] Cong. Rec., Jan. 25, 1951, pp. 669, 670.
[51] Cong. Rec., April 4, 1951, p. 3283.
[52] Cong. Rec., April 4, 1951, p. 3272.
[53] Cong. Rec., Aug. 9, 1951, p. 9742.
[54] Republican Platform 1952, preamble, Kirth H. Porter and Donald Bruce Johnson, *National Party Platforms 1840–1956*, p. 497.
[55] Cong. Rec., April 28, 1952, p. 4539
[56] Cong. Rec., April 22, 1952, pp. 4220, 4221
[57] Cong. Rec., April 30, 1952, p. 4518
[58] *Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579, 642 (1952)
[59] Ibid., 644
[60] *Mandate For Change*, Eisenhower, Dwight D., Doubleday.
[61] Cong. Rec., Feb. 2, 1952, p. 748
[62] Hearings, U.S. Committee on Foreign Powers, May 12, 1954. p. 261
[63] ———
[64] *Public Papers of the Presidents*, Eisenhower, Dwight, Office of the Federal Register, 1955, p. 207.
[65] *Ibid.*
[66] Con. Rec., June 29, 1957, pp. 1229, 1230
[67] Cong. Rec., Jan. 28, 1957, p. 1028
[68] Cong. Rec., Feb. 25, 1957, p. 2529

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

LEAD-BASED PAINT ELIMINATION ACT OF 1970

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19172.

The PRESIDING OFFICER. (Mr. GRIFFIN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL, 1971—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of the conference report on H.R. 18515, making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

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. 18515) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a summary of the bill as agreed to by the conference and the bills as passed by the two bodies be printed in the RECORD.

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

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515

TITLE I—DEPARTMENT OF LABOR

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
MANPOWER ADMINISTRATION						
Manpower Training Activities						
Training and allowance payments:						
Job opportunities in the business sector on-the-job training	$229,608,000	$229,608,000	$260,000,000	$260,000,000	$260,000,000	$260,000,000
Concentrated employment program	199,000,000	199,000,000	199,000,000	192,440,000	199,000,000	192,440,000
Public service careers	96,000,000	96,000,000	132,000,000	126,800,000	132,000,000	126,800,000
Institutional training	245,000,000	245,000,000	256,000,000	256,000,000	256,000,000	256,000,000
Part-time and other training	10,084,000	10,084,000	10,084,000	10,084,000	10,084,000	10,084,000
Disadvantaged youth program	76,400,000	76,400,000				
In-school	62,400,000	62,400,000	62,400,000	59,100,000	62,400,000	59,100,000
Summer programs	121,500,000	121,500,000	146,500,000	138,670,000	146,500,000	138,670,000
Out of school	98,000,000	98,000,000	134,200,000	127,000,000	134,200,000	127,000,000
Job Corps	170,200,000	170,200,000	180,000,000	170,390,000	180,000,000	170,390,000
Operation Mainstream	41,000,000	41,000,000	41,000,000	38,800,000	41,000,000	38,800,000
Program support	17,400,000	17,400,000	18,300,000	18,300,000	18,300,000	18,300,000
Program services:						
Employment security services	44,892,400	44,892,400	50,492,000	50,492,000	50,492,000	50,492,000
State institutional training services	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
On-the-job-training services	1,500,000	1,500,000	500,000	500,000	500,000	500,000
Planning and technical assistance	18,109,000	18,109,000	21,929,000	18,929,000	18,929,000	18,929,000
Labor market information and job matching	15,934,000	15,934,000	29,089,000	29,089,000	29,089,000	29,089,000
Jobs for Veterans					200,000	200,000
Total manpower training activities	[2] 1,455,027,400	[2] 1,455,027,400	[2] 1,549,494,000	[2] 1,504,594,000	[2] 1,546,694,000	[2] 1,504,794,000
Salaries and Expenses						
Experimental demonstration and research programs	19,709,000	19,709,000	20,618,000	19,768,000	19,768,000	19,768,000
Planning, research, and evaluation	3,896,900	3,896,900	4,232,700	4,141,400	4,141,400	4,141,400
Training and employment	6,397,900	6,397,900	7,878,800	7,504,900	7,504,900	7,504,900
Trust fund transfer	(11,852,700)	(11,852,700)	(12,033,600)	(12,033,600)	(12,033,600)	(12,033,600)
Federal institutional training service	2,572,600	2,572,600	2,572,600	2,572,600	2,572,600	2,572,600
Civil rights compliance			96,000	54,000	54,000	54,000
Trust fund transfer	(617,000)	(617,000)	(628,700)	(628,700)	(628,700)	(628,700)
Executive direction:						
General administration	1,623,300	1,623,300	1,695,000	1,676,200	1,676,200	1,676,200
Trust fund transfer	(373,300)	(373,300)	(378,100)	(378,100)	(378,100)	(378,100)
Financial and management services	2,811,600	2,811,600	3,039,500	2,913,500	2,913,500	2,913,500
Trust fund transfer	(2,241,200)	(2,241,200)	(2,277,600)	(2,277,600)	(2,277,600)	(2,277,600)
Manpower management data ystems	3,007,600	3,007,600	3,040,200	3,040,200	3,040,200	3,040,200
Trust fund transfer	(1,496,200)	(1,496,200)	(1,517,000)	(1,517,000)	(1,517,000)	(1,517,000)
Reports to the public on manpower programs	619,700	619,700	494,200	494,200	494,200	494,200
Total, Manpower Administration, salaries and expenses	40,638,600	40,638,600	43,667,000	42,165,000	42,165,000	42,165,000
Bureau of Apprenticeship and Training						
Promote apprenticeship and training	6,872,498	6,872,498	6,958,000	6,958,000	6,958,000	6,958,000
Unemployment Compensation for Federal Employees and Ex-Servicemen and Trade Adjustment Activities						
Payments to Federal employees	63,600,000	63,600,000	68,500,000	68,500,000	68,500,000	68,500,000
Payments to ex-servicemen	121,400,000	121,400,000	131,000,000	131,000,000	131,000,000	131,000,000
Trade adjustment activities	2,930,000	2,930,000	600,000	600,000	600,000	600,000
Total, unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	187,930,000	187,930,000	200,100,000	200,100,000	200,100,000	200,100,000
Limitation on Grants to States for Unemployment Compensation and Employment Service Administration						
Unemployment insurance service	(284,033,000)	(284,033,000)	(320,031,000)	(312,831,000)	(312,831,000)	(312,831,000)
Employment service	(328,968,000)	(328,968,000)	(352,141,000)	(347,341,000)	(347,341,000)	(347,341,000)
Administration and management	(39,771,000)	(39,771,000)	(42,528,000)	(42,528,000)	(42,528,000)	(42,528,000)
Contingency fund	(13,000,000)	(13,000,000)	(3,000,000)	(15,000,000)	(15,000,000)	(15,000,000)
Total, limitation on grants to States for unemployment compensation and Employment Service Administration	(665,772,000)	(665,772,000)	(717,700,000)	(717,700,000)	(717,700,000)	(717,700,000)
Unemployment Insurance Service						
Unemployment insurance service	(4,210,600)	(4,210,600)	(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)
Total, Manpower Administration	1,690,468,498	1,690,468,498	1,800,219,000	1,753,817,000	1,795,917,000	1,754,017,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION						
Labor-management relations services	397,400	397,400	402,200	402,200	402,200	402,200
Labor-management policy development	658,200	658,200	1,265,400	965,400	1,065,400	1,015,400
Administration of reporting and disclosure laws	9,331,700	9,331,700	10,747,092	10,378,092	10,478,092	10,428,092
Veterans' reemployment rights	1,290,108	1,290,108	1,511,508	1,511,508	1,511,508	1,511,508
Federal labor-management relations	750,000	750,000	2,517,500	2,517,500	2,517,500	2,517,500
Executive direction and administrative services	710,200	710,200	725,300	725,300	725,300	725,300
Total, Labor-Management Services Administration	13,137,608	13,137,608	17,169,000	16,500,000	16,700,000	16,600,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE I—DEPARTMENT OF LABOR—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
WAGE AND LABOR STANDARDS ADMINISTRATION						
Improving and protecting wages of the Nation's workers:						
Compliance and enforcement	$21,862,038	$21,862,038	$22,364,900	$22,364,900	$22,570,900	$22,414,900
Wage and employment standards	803,400	803,400	814,000	814,000	814,000	814,000
Special wage standards	1,771,200	1,771,200	1,790,100	1,790,100	1,790,100	1,790,100
Executive direction and planning research	2,946,600	2,946,600	2,984,000	2,984,000	2,984,000	2,984,000
Wage determinations under Davis-Bacon Act	951,700	951,700	1,523,000	1,276,400	1,276,400	1,276,400
Improving safety and working conditions of workers	5,453,894	5,453,894	5,901,900	5,370,900	5,695,900	5,533,400
Advancing opportunities and status of women	1,057,800	1,057,800	1,179,800	1,179,800	1,179,800	1,179,800
Federal contract compliance:						
Federal contract compliance	605,000	605,000	1,568,300	1,568,300	1,568,300	1,568,300
Plans for progress	227,000	227,000				
Workmen's compensation	6,255,500	6,255,500	7,369,400	7,369,400	7,369,400	7,369,400
Executive direction, planning, evaluation, and research	277,438	277,438	429,600	282,200	282,200	282,200
Total, Wage and Labor Standards Administration	42,211,570	42,211,570	45,925,000	45,000,000	45,531,000	45,212,500
EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES						
Federal civilian employees benefits	45,943,500	45,943,500	95,627,200	95,627,200	95,627,200	95,627,200
Armed Forces reservists benefits	11,175,000	11,175,000	10,775,000	10,775,000	10,775,000	10,775,000
War Claims Act benefits	400,000	400,000	400,000	400,000	400,000	400,000
Other benefits	2,597,500	2,597,500	2,997,800	2,997,800	2,997,800	2,997,800
Total employees' compensation claims and expenses	60,116,000	60,116,000	109,800,000	109,800,000	109,800,000	109,800,000
BUREAU OF LABOR STATISTICS						
Manpower and employment	9,371,900	9,371,900	10,170,300	9,770,300	9,770,300	9,770,300
Prices and cost of living	3,801,300	3,801,300	4,556,100	4,086,100	4,086,100	4,086,100
Wages and industrial relations	3,765,300	3,765,300	4,293,200	3,935,200	3,935,200	3,935,200
Productivity, technology, and growth	1,498,600	1,498,600	1,522,600	1,522,600	1,522,600	1,522,600
Foreign labor and trade	519,400	519,400	529,900	529,900	529,900	529,900
Executive direction and staff services	4,492,954	4,492,954	4,990,400	4,790,400	4,790,400	4,790,400
Revision of the Consumer Price Index	644,000	644,000	1,515,500	1,515,500	1,515,500	1,515,500
Total, Bureau of Labor Statistics	24,093,454	24,093,454	27,578,000	26,150,000	26,150,000	26,150,000
BUREAU OF INTERNATIONAL LABOR AFFAIRS						
International organizations affairs	151,700	151,700	154,300	154,300	154,300	154,300
Foreign labor and manpower policy and program development	330,000	330,000	335,300	335,300	335,300	335,300
Labor and manpower technical services	153,200	153,200	156,500	156,500	156,500	156,500
Trade negotiations and economic policy development	390,500	390,500	398,000	398,000	398,000	398,000
Executive direction and management services	436,600	436,600	445,900	445,900	445,900	445,900
Total, Bureau of International Labor Affairs	1,462,000	1,462,000	1,490,000	1,490,000	1,490,000	1,490,000
SPECIAL FOREIGN CURRENCY						
Special Foreign Currency			75,000	75,000	75,000	75,000
OFFICE OF THE SOLICITOR						
Litigation	684,700	684,700	771,100	771,100	771,100	771,100
Interpretations and opinions	606,400	606,400	615,300	615,300	615,300	615,300
Trust fund transfer	(157,000)	(157,000)	(157,000)	(157,000)	(157,000)	(157,000)
Labor relations and civil rights	359,100	359,100	361,400	361,400	361,400	361,400
Legislation	593,200	493,200	597,400	597,400	597,400	597,400
Labor-management laws	391,200	391,200	399,200	399,200	399,200	399,200
Field legal services	2,658,600	2,658,600	2,714,400	2,714,400	2,714,400	2,714,400
Administration and management services	428,100	428,100	425,200	425,200	425,200	425,200
Total, Office of the Solicitor	5,721,300	5,721,300	5,884,000	5,884,000	5,884,000	5,884,000
OFFICE OF THE SECRETARY						
Executive direction	1,125,700	1,125,700	2,456,400	1,806,400	1,806,400	1,806,400
Office of information	381,400	381,400	326,600	326,600	326,600	326,600
Office of the Assistant Secretary for Administration:						
Immediate office	147,200	147,200	147,600	147,600	147,600	147,600
Office of Management Assistance	112,200	112,200	113,300	113,300	113,300	113,300
Personnel operations	1,510,300	1,510,300	1,448,600	1,448,600	1,448,600	1,448,600
Library	413,600	413,600	418,500	418,500	418,500	418,500
Office of Budget Policy and Review	208,300	208,300	310,600	310,600	310,600	310,600
Office of Program Review and Audit	1,564,200	1,564,200	1,923,600	1,923,600	1,923,600	1,923,600
Trust fund transfer	(593,000)	(593,000)	(595,000)	(595,000)	(595,000)	(595,000)
Office of Management Systems	528,400	528,400	537,000	537,000	537,000	537,000
Purchase of data processing equipment			1,931,000	1,931,000	1,931,000	1,931,000
Appeals from determinations of Federal employee claims	173,300	173,300	174,800	174,800	174,800	174,800
Promoting employment of the handicapped	575,000	575,000	614,000	614,000	674,000	674,000
Total, Office of the Secretary	6,739,600	6,739,600	10,402,000	9,752,000	9,812,000	9,812,000
Total appropriations, Department of Labor	1,843,950,030	1,843,950,030	2,018,542,000	1,968,468,000	2,011,359,000	1,969,040,500

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FOOD AND DRUG ADMINISTRATION						
Food and Drug Control						
1. Foods and drugs	$58,152,500	$58,152,500	$62,725,000	$62,725,000	$62,725,000	$62,725,000
2. Hazardous products	4,355,000	4,355,000	5,144,000	5,144,000	5,994,000	5,144,000
3. Pesticides	12,544,000	12,544,000	14,938,000	14,938,000	14,938,000	14,938,000
4. Program management	6,566,000	6,566,000	6,742,000	6,742,000	6,742,000	6,742,000
Total, FDA	81,617,500	81,617,500	89,549,000	89,549,000	90,399,000	89,549,000
ENVIRONMENTAL HEALTH SERVICE						
Air pollution control:						
1. Abatement and control	35,194,000	35,194,000	40,301,000	40,301,000	42,801,000	41,551,000
2. Research and demonstration	66,419,000	59,669,000	57,282,000	57,282,000	58,282,000	57,282,000
Sec. 104 research	(45,000,000)	(38,250,000)	(27,900,000)	(27,900,000)	(28,900,000)	(27,900,000)
Obligations	(37,880,000)	(37,880,000)	(33,915,000)	(33,915,000)	(34,915,000)	(33,915,000)
3. Manpower training	5,516,000	5,516,000	5,750,000	5,750,000	6,750,000	6,250,000
4 Program management	2,653,000	2,653,000	2,670,000	2,670,000	2,670,000	2,670,000
Total	109,782,000	103,032,000	106,003,000	106,003,000	110,503,000	107,753,000
Environmental Control:						
1. Solid waste management	15,275,000	15,275,000	15,336,000	17,136,000	19,276,000	17,636,000
2. Occupational health	10,353,000	10,353,000	[2] 13,423,000	8,283,000	[2] 13,423,000	[2] 13,423,000
3. Radiological health	16,639,000	16,639,000	16,862,000	16,862,000	16,862,000	16,862,000
4. Community environmenta lmanagement	5,872,000	5,872,000	4,712,000	4,712,000	4,712,000	4,712,000
5. Water hygiene	2,701,000	2,701,000	2,344,000	2,344,000	4,484,000	2,844,000
6. Program management	3,237,000	3,237,000	3,243,000	3,243,000	3,243,000	3,243,000
Total	54,077,000	54,077,000	55,920,000	52,580,000	62,000,000	58,720,000
Buildings and Facilities						
Obligations	(4,844,000)	(5,861,000)	(21,750,000)	(21,750,000)	(21,750,000)	(21,750,000)
Office of the Administrator	4,078,000	4,078,000	4,775,000	4,244,000	4,244,000	4,244,000
Total, Environmental Health Service	167,937,000	161,187,000	166,698,000	162,827,000	176,747,000	170,717,000
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION						
Mental Health						
1. Research:						
(a) Grants	85,254,000	85,254,000	87,740,000	89,600,000	91,600,000	90,600,000
(b) Direct operations	25,952,000	25,952,000	26,389,000	26,389,000	26,389,000	26,389,000
Subtotal	111,206,000	111,206,000	114,129,000	115,989,000	117,989,000	116,989,000
2. Manpower development:						
(a) Grants	118,366,000	118,366,000	116,350,000	116,350,000	116,350,000	116,350,000
(b) Direct operations	5,603,000	5,603,000	5,671,000	5,671,000	5,671,000	5,671,000
Subtotal	123,969,000	123,969,000	122,021,000	122,021,000	122,021,000	122,021,000
3. State and community programs:						
(a) Community mental health centers:						
(1) Construction	35,500,000	29,200,000				
(Obligations)	(29,586,000)	(29,586,000)	(27,300.000)	(27,300.000)	(27,300.000)	(27,300,000)
(2) Staffing	47,550,000	47,550,000	60,100,000	80,100,000	100,100,000	90,100,000
(b) Narcotic addiction and alcoholism programs	12,000,000	11,175,000	15,900,000	15,900,000	15,900,000	15,900,000
(c) Direct operations	2,453,000	2,453,000	2,499,000	2,499,000	2,499,000	2,499,000
Subtotal	97,503,000	90,378,000	78,499,000	98,499,000	118,499,000	108,499,000
4. Rehabilitation of drug abusers	16,619,000	16,619,000	19,640,000	19,640,000	19,640,000	19,640,000
5. Program support	11,384,000	11,384,000	12,367,000	12,367,000	12,367,000	12,367,000
Total, mental health	360,681,000	353,556,000	346,656,000	368,516,000	390,516,000	379,516,000
Saint Elizabeths Hospital						
Saint Elizabeths Hospital	14,212,000	14,212,000	14,823,000	14,823,000	14,823,000	14,823,000
(Obligations)	(41,428,000)	(41,428,000)	(42,077,000)	(42,077,000)	(42,077,000)	(42,077,000)
Health Services Research and Development	42,653,000	42,474,000	57,403,000	57,403,000	57,403,000	57,403,000
Comprehensive Health Planning and Services						
1. Partnership for health grants:						
(a) Planning	20,000,000	19,008,000	22,000,000	22,000,000	22,000,000	22,000,000
(b) Formula	100,000,000	90,000,000	90,000,000	90,000,000	90,000,000	90,000,000
(c) Project	73,843,000	73,596,000	109,500,000	109,500,000	109,500,000	109,500,000
Subtotal	193,843,000	182,604,000	221,500,000	221,500,000	221,500,000	221,500,000
2. Migrant health	15,000,000	15,000,000	15,000,000	15,000,000	17,822,000	15,000,000
3. Standard setting and resource development	10,252,000	10,252,000	10,434,000	10,434,000	10,434,000	10,434,000
4. Program management	4,380,000	4,380,000	4,564,000	4,564,000	4,564,000	4,564,000
Total	223,475,000	212,236,000	251,498,000	251,498,000	254,320,000	251,498,000
Less trust fund transfer	−4,320,000	−4,320,000	−4,320,000	−4,320,000	−4,320,000	−4,320,000
Total appropriation	219,155,000	207,916,000	247,178,000	247,178,000	250,000,000	247,178,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
MATERNAL AND CHILD HEALTH						
1. Maternal and child health:						
(a) Formula grants	$108,000,000	$108,000,000	$118,600,000	$118,600,000	$118,600,000	$118,600,000
(b) Project grants	77,869,000	75,825,000	83,030,000	83,030,000	83,350,000	83,350,000
(c) Research and training	17,085,000	18,885,000	17,085,000	17,085,000	17,085,000	17,085,000
(d) Program management	3,071,000	3,071,000	3,109,000	3,109,000	3,109,000	3,109,000
Subtotal	206,025,000	201,781,000	221,824,000	221,824,000	222,144,000	222,144,000
2. Family planning:						
(a) Grants and contracts	22,800,000	22,800,000	32,015,000	32,015,000	32,015,000	32,015,000
(b) Program management			1,500,000	1,500,000	1,500,000	1,500,000
Subtotal	22,800,000	22,800,000	33,515,000	33,515,000	33,515,000	33,515,000
Total	228,825,000	224,581,000	255,339,000	255,339,000	255,659,000	255,659,000
Regional Medical Programs						
1. Regional medical programs:						
(a) Grants	73,500,000	73,500,000	79,500,000	79,500,000	97,998,000	89,500,000
Obligations	(73,500,000)	(78,500,000)	(94,500,000)	(94,500,000)	(112,998,000)	(104,500,000)
(b) Direct operations	1,771,000	1,771,000	1,812,000	1,812,000	1,812,000	1,812,000
Subtotal	75,271,000	75,271,000	81,312,000	81,312,000	99,810,000	91,312,000
2. Technical assistance and disease control	20,930,000	18,287,000	13,168,000	13,168,000	13,168,000	13,168,000
3. Program management	1,947,000	1,947,000	2,022,000	2,022,000	2,022,000	2,022,000
Total	98,148,000	95,505,000	96,502,000	96,502,000	115,000,000	106,502,000
Communicable Diseases	41,301,000	41,301,000	41,538,000	41,938,000	50,000,000	43,938,000
Medical Facilities Construction						
1. Construction grants	172,200,000	172,200,000	50,000,000	172,200,000	180,903,078	172,200,000
2. Direct loans			30,000,000		[4] (30,000,000)	[4] (30,000,000)
3. Interest subsidies			5,000,000	5,000,000	5,000,000	5,000,000
4. D.C. medical facilities	10,000,000	8,500,000			15,000,000	15,000,000
5. Program direction and technical assistance	4,149,000	4,149,000	4,321,000	4,321,000	4,321,000	4,321,000
Total	186,349,000	184,849,000	89,321,000	181,521,000	[5] 205,224,078	[5] 196,521,000
Patient Care and Special Health Services	77,443,000	77,443,000	79,889,000	79,889,000	79,889,000	79,889,000
National Health Statistics	9,174,000	9,174,000	9,918,000	9,668,000	9,668,000	9,668,000
Retired Pay of Commissioned Officers	16,700,000	16,700,000	19,501,000	19,501,000	19,501,000	19,501,000
Building and Facilities						
Obligations	(2,805,000)	(2,805,000)	(10,121,000)	(10,121,000)	(10,121,000)	(10,121,000)
Office of the Administrator	11,043,000	11,043,000	11,812,000	11,812,000	11,812,000	11,812,000
Total, Health Services and Mental Health Administration	1,305,684,000	1,278,754,000	1,269,880,000	1,384,090,000	1,459,495,078	1,422,410,000
NATIONAL INSTITUTES OF HEALTH						
Research Institutes						
Biologics Standards	8,443,000	8,441,000	8,640,000	8,838,000	8,838,000	8,838,000
National Cancer Institute	190,969,500	181,332,000	202,383,000	227,383,000	235,383,000	230,383,000
National Heart and Lung Institute	171,792,500	161,049,000	171,747,000	178,479,000	203,479,000	193,479,000
National Institute of Dental Research	30,914,500	28,860,000	34,563,000	35,257,000	36,257,000	35,257,000
National Institute of Arthritis and Metabolic Diseases	141,171,000	132,091,000	132,152,000	138,339,000	140,339,000	138,339,000
National Institute of Neurological Diseases and Stroke	102,892,000	96,320,000	96,972,000	100,807,000	115,807,000	105,807,000
National Institute of Allergey and Infectious Diseases	101,166,500	98,231,000	99,219,000	102,249,000	102,749,000	102,249,000
National Institute of General Medical Sciences	159,987,000	148,309,000	148,376,000	166,072,000	171,072,000	166,072,000
National Institute of Child Health and Human Development	77,318,000	76,221,000	93,303,000	94,436,000	94,436,000	94,436,000
National Eye Institute	25,398,500	23,892,000	25,686,000	30,986,000	30,986,000	30,986,000
National Institute of Environmental Health Sciences	18,485,000	17,730,000	19,843,000	20,620,000	21,620,000	20,620,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2,954,000	2,791,000	2,664,000	3,582,000	3,582,000	3,582,000
Total	1,031,491,500	975,267,000	1,035,543,000	1,107,048,000	1,164,548,000	1,130,048,000
Health Manpower						
Institutional support:						
(a) Medical, dental, and related	105,000,000	101,400,000	113,650,000	116,350,000	165,000,000	124,350,000
(b) Nursing	8,400,000	7,000,000	11,000,000	11,000,000	12,500,000	11,500,000
(c) Public health	10,071,000	9,471,000	9,071,000	9,071,000	11,471,000	9,571,000
(d) Allied health professions	11,587,000	10,988,000	14,245,000	14,245,000	14,245,000	14,245,000
Subtotal	135,058,000	128,859,000	147,966,000	150,666,000	203,216,000	159,666,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
NATIONAL INSTITUTES OF HEALTH—Continued						
Health Manpower—Continued						
2. Student assistance:						
(a) Traineeships	$20,670,000	$20,670,000	$22,270,000	$22,270,000	$23,870,000	$23,270,000
(b) Direct loans:						
(1) Medical, dental, etc	23,781,000	15,000,000	12,000,000	22,000,000	33,576,000	25,000,000
Obligations	(24,894,000)	(16,113,000)	(12,000,000)	(22,000,000)	(33,576,000)	(25,000,000)
(2) Nursing	16,360,000	9,610,000	9,610,000	15,610,000	21,000,000	17,110,000
Obligations	(19,031,000)	(12,281,000)	(9,610,000)	(15,610,000)	(21,000,000)	(17,110,000)
Subtotal, direct loans	40,141,000	24,610,000	21,610,000	37,610,000	54,576,000	42,110,000
(c) Scholarships:						
(1) Medical, dental, etc	15,541,000	15,541,000	15,000,000	15,000,000	15,600,000	15,500,000
(2) Nursing	7,178,000	7,178,000	17,000,000	17,000,000	17,000,000	17,000,000
Subtotal	22,719,000	22,719,000	32,000,000	32,000,000	32,600,000	32,500,000
Subtotal, student assistance	83,530,000	67,999,000	75,880,000	91,880,000	111,046,000	97,880,000
3. Manpower requirements, utilization and program management	16,771,000	16,746,000	18,388,000	18,388,000	18,388,000	18,388,000
Total, Health manpower	235,359,000	213,604,000	242,234,000	260,934,000	332,650,000	275,934,000
Health Education Loan Funds						
Sales insufficiencies and interest losses	957,000	957,000	3,083,000	3,083,000	3,083,000	3,083,000
Obligations:						
(a) Loan activity	(10,128,000)	(10,128,000)				
(b) Interests and insufficiencies	(3,553,000)	(3,553,000)	(5,711,000)	(5,711,000)	(5,711,000)	(5,711,000)
Total	957,000	957,000	3,083,000	3,083,000	3,083,000	3,083,000
Dental Health	11,722,000	10,824,000	10,954,000	10,954,000	11,014,000	11,014,000
Research Resources	71,324,000	62,692,000	63,701,000	66,201,000	66,801,000	66,201,000
Construction of Health Educational, Research, and Library Facilities						
1. (a) Medical and related	94,500,000	94,500,000	94,500,000	94,500,000	111,230,000	105,300,000
Obligations	(112,922,000)	(112,922,000)	(94,500,000)	(94,500,000)	(111,230,000)	(105,300,000)
(b) Dental	23,600,000	23,600,000	23,600,000	23,600,000	28,380,000	26,300,000
Obligations	(28,200,000)	(28,200,000)	(23,600,000)	(23,600,000)	(28,380,000)	(26,300,000)
2. Nursing	8,000,000	8,000,000	8,000,000	8,000,000	10,390,000	9,500,000
Obligations	(8,137,000)	(8,137,000)	(8,000,000)	(8,000,000)	(10,390,000)	(9,500,000)
3. Health research facilities						
Obligations	(22,000)	(22,000)				
Total, construction	126,100,100	126,100,000	126,100,000	126,100,000	150,000,000	141,100,000
Obligations	(149,281,000)	(149,281,000)	(126,100,000)	(126,100,000)	(150,000,000)	(141,100,000)
National Library of Medicine	19,573,000	19,263,000	19,769,000	19,769,000	22,233,000	20,769,000
Buildings and Facilities	1,900,000	1,615,000				
Obligations	(6,032,000)	(6,017,000)	(6,656,000)	(6,656,000)	(6,656,000)	(6,656,000)
Office of the Director	7,845,000	7,845,000	8,206,000	8,206,000	8,206,000	8,206,000
Scientific Activities Overseas (Special Foreign Currency Program)	3,455,000	3,455,000	32,444,000	32,444,000	32,444,000	32,444,000
General research and services					[3] 15,000,000	
Total, National Institutes of Health	1,509,726,500	1,421,622,000	1,542,039,000	1,634,739,000	1,805,979,000	[3] 1,688,799,000
Office of Education						
Elementary and Secondary Education—Followthrough	[4] (70,300,000)	[4] (70,300,000)	[4] (69,000,000)	[4] (70,400,000)	[4] 70,400,000	[4] (69,000,000)
SOCIAL AND REHABILITATION SERVICE						
Grants to States for Public Assistance						
1. Maintenance assistance	4,350,180,000	4,350,180,000	4,943,551,000	4,943,551,000	4,943,551,000	4,943,551,000
2. Repatriated U.S. nationals	700,000	600,000	770,000	770,000	770,000	770,000
3. Medical assistance	2,654,122,000	2,654,122,000	3,109,685,000	3,109,685,000	3,109,685,000	3,109,685,000
4. Social services	463,738,000	463,738,000	509,328,000	509,328,000	509,328,000	509,328,000
5 State and local training	23,264,000	23,264,000	25,536,000	25,536,000	25,536,000	25,536,000
Subtotal (noncontrollable)	7,492,004,000	7,491,904,000	8,588,870,000	8,588,870,000	8,588,870,000	8,588,870,000
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
7. Research and training	17,200,000	16,980,000	17,080,000	17,080,000	17,080,000	17,080,000
Total	7,555,204,000	7,554,884,000	8,651,950,000	8,651,950,000	[5] 8,651,950,000	8,651,950,000
Work Incentives						
1. Training	94,140,000	85,140,000	92,750,000	73,257,000	60,000,000	60,000,000
2. Day care	25,860,000	16,860,000	77,250,000	46,743,000	38,000,000	38,000,000
Total	120,000,000	102,000,000	170,000,000	120,000,000	98,000,000	98,000,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SOCIAL AND REHABILITATION SERVICE—Continued						
Rehabilitation Services and Facilities						
1. Services:						
(a) Basic State grants	$436,000,000	$436,000,000	$503,000,000	$503,000,000	$503,000,000	$503,000,000
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000
(c) Rehabilitation service projects:						
(1) Regular expansion grants	9,500,000	9,500,000	12,800,000	12,800,000	12,800,000	12,800,000
(2) Training in industry	500,000	450,000	1,000,000	1,000,000	1,000,000	1,000,000
(3) New careers	1,000,000	900,000	2,000,000	2,000,000	2,000,000	2,000,000
(4) Services for migrants			5,000,000		5,000,000	
(5) Workshop improvement	10,533,000	9,906,000	11,300,000	11,300,000	11,300,000	11,300,000
(6) Initial staffing	550,000	550,000	550,000	550,000	550,000	550,000
Subtotal	22,083,000	21,306,000	32,650,000	27,650,000	32,650,000	27,650,000
(d) Services for the mentally retarded	24,969,000	23,644,000	24,790,000	24,790,000	36,790,000	34,790,000
Subtotal	486,252,000	484,150,000	563,640,000	558,640,000	575,640,000	568,640,000
2. Facilities:						
(a) Vocational rehabilitation facilities	3,500,000	2,892,000			3,500,000	1,750,000
Obligations	(3,841,000)	(3,233,000)			(3,500,000)	(1,750,000)
(b) Facilities for the mentally retarded	12,031,000	10,226,000	8,000,000	8,000,000	[10]	[10]
Subtotal	15,531,000	13,118,000	8,000,000	8,000,000		
Total	501,783,000	497,268,000	571,640,000	566,640,000	579,140,000	570,390,000
Programs for the aging						
1. State grants	13,000,000	13,000,000	15,200,000	15,200,000	15,200,000	15,200,000
2. Foster grandparents program	9,250,000	8,817,000	10,000,000	10,000,000	11,000,000	10,500,000
3. Research and training	6,110,000	5,942,000	6,800,000	6,800,000	7,450,000	7,450,000
White House Conference on Aging	(250,000)	(250,000)	(1,000,000)	(1,000,000)	(1,650,000)	(1,650,000)
4. Retired Senior Volunteer program (RSVP)					1,000,000	500,000
Total	28,360,000	27,759,000	32,000,000	32,000,000	34,650,000	33,650,000
Juvenile Delinquency Prevention and Control	10,000,000	10,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Research and Training						
1. Research and demonstrations:						
(a) Rehabilitation	21,425,000	20,603,000	22,360,000	21,860,000	21,860,000	21,860,000
(b) Social services	3,500,000	3,289,000	6,000,000	4,500,000	4,500,000	4,500,000
(c) Income maintenance experiments	8,000,000	8,000,000	12,000,000	8,000,000	10,000,000	9,000,000
Subtotal	32,925,000	31,892,000	40,360,000	34,360,000	36,360,000	35,360,000
2. Training	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000
3. Special centers	10,875,000	10,331,000	13,375,000	13,375,000	15,375,000	13,375,000
Total	71,500,000	69,923,000	81,435,000	75,435,000	79,435,000	76,435,000
Social and Rehabilitation Activities Overseas (Special Foreign Currency Program)	2,000,000	2,000,000	7,000,000	4,000,000	4,000,000	4,000,000
Salaries and Expenses	28,645,500	28,645,500	37,829,000	35,457,000	33,390,000	34,457,000
Less trust fund transfer	−360,000	−360,000	−390,000	−390,000	−390,000	−390,000
Total	28,285,500	28,285,500	37,439,000	35,067,000	33,000,000	34,067,000
Total, Social and Rehabilitation Service	8,317,132,500	8,292,119,500	9,566,464,000	9,500,092,000	9,495,175,000	9,483,492,000
SOCIAL SECURITY ADMINISTRATION						
Federal Funds						
Payments to Social Security Trust Funds						
1. Matching payments for supplementary medical insurance	928,151,000	928,151,000	1,245,282,000	1,245,282,000	1,245,282,000	1,245,282,000
2. Hospital insurance for uninsured	617,262,000	617,262,000	878,688,000	878,688,000	878,688,000	878,688,000
3. Military service credits	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000
4. Retirement benefits for the uninsured	364,151,000	364,151,000	370,916,000	370,916,000	370,916,000	370,916,000
Total	2,014,564,000	2,014,564,000	2,599,886,000	2,599,886,000	2,599,886,000	2,599,886,000
Special Benefits for Disabled Coal Miners	7,250,000	7,250,000	[11](153,000,000)	[12]	[12]	[12]
Total, Federal funds	2,021,814,000	2,021,814,000	2,599,886,000	2,599,886,000	2,599,886,000	2,599,886,000
Trust Fund						
Limitation on Salaries and Expenses	(934,369,000)	(934,369,000)	(997,461,000)	(997,461,000)	(997,461,000)	(997,461,000)
Limitation on Construction			(2,800,000)	(2,800,000)	(2,800,000)	(2,800,000)
Obligations	(5,004,000)	(5,004,000)	(13,096,000)	(13,096,000)	(13,096,000)	(13,096,000)
Total, Social Security Administration	2,021,814,000	2,021,814,000	2,599,886,000	2,599,886,000	2,599,886,000	2,599,886,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SPECIAL INSTITUTIONS						
American Printing House for the Blind	$1,404,000	$1,404,000	$1,476,000	$1,557,000	$1,517,000	$1,517,000
National Technical Institute for the Deaf						
1. Academic program	2,851,000	2,851,000	3,608,000	3,608,000	3,608,000	3,608,000
2. Construction			16,136,000	16,136,000	16,136,000	16,136,000
Subtotal	2,851,000	2,851,000	19,744,000	19,744,000	19,744,000	19,744,000
Model Secondary School for the Deaf						
1. Academic program	427,000	427,000	2,182,000	2,182,000	2,182,000	2,182,000
2. Construction	351,000	351,000	250,000	250,000	2,250,000	250,000
Subtotal	778,000	778,000	2,432,000	2,432,000	4,432,000	2,432,000
Gallaudet College						
1. Academic program	4,494,000	4,494,000	5,570,000	5,470,000	5,825,000	5,697,000
2. Construction	1,106,000	1,106,000	1,400,000	1,400,000	1,400,000	1,400,000
Subtotal	5,600,000	5,600,000	7,150,000	6,870,000	7,225,000	7,097,000
Howard University						
1. Academic program	21,109,000	21,109,000	24,000,000	24,000,000	24,000,000	24,000,000
2. Construction	30,410,000	30,410,000	1,000,000	1,000,000	1,000,000	1,000,000
3. Freedmen's Hospital	9,875,000	9,875,000	11,185,000	11,185,000	11,185,000	11,185,000
Subtotal	61,394,000	61,394,000	36,185,000	36,185,000	36,185,000	36,185,000
Total, special institutions	72,027,000	72,027,000	66,987,000	66,788,000	69,103,000	66,975,000
OFFICE OF CHILD DEVELOPMENT						
1. Research and demonstrations			8,500,000	3,500,000	5,000,000	3,500,000
2. White House Conference on Children and Youth	400,000	400,000	600,000	600,000	600,000	600,000
3. Administration and technical assistance	1,507,000	1,507,000	2,355,000	1,817,000	1,817,000	1,817,000
4. Headstart	[13] (326,000,000)	[13] (326,000,000)	[13] (339,000,000)	[13] (321,300,000)	[13] 398,000,000	[14] (360,000,000)
Total	1,907,000	1,907,000	11,455,000	5,917,000	[13] 405,417,000	5,917,000
DEPARTMENT MANAGEMENT						
Office for Civil Rights	6,666,000	6,666,000	8,874,000	8,874,000	8,874,000	8,874,000
Less trust fund transfer	−856,000	−856,000	−947,000	−947,000		−947,000
Total	5,810,000	5,810,000	7,927,000	7,927,000	8,874,000	7,927,000
DEPARTMENTAL MANAGEMENT						
1. Executive direction	6,523,000	6,523,000	8,299,000	7,637,000	7,637,000	7,637,000
2. Public information	691,000	691,000	729,000	729,000	729,000	729,000
3. Community and field services	4,223,000	4,223,000	5,415,000	5,096,000	5,096,000	5,096,000
4. Legal services	4,063,000	4,063,000	4,488,000	4,420,000	4,420,000	4,420,000
5. Financial management:						
(a) Audit	11,455,000	11,455,000	12,917,000	12,774,000	12,774,000	12,774,000
(b) Other	2,246,000	2,246,000	2,477,000	2,375,000	2,375,000	2,375,000
6. National Summer Youth	[15] 3,000,000	[15] 3,000,000				[16]
7. Administrative management	5,984,000	5,984,000	7,144,000	6,405,000	6,405,000	6,405,000
8. Surplus property utilization	1,380,000	1,380,000	1,456,000	1,389,000	1,389,000	1,389,000
Subtotal	39,565,000	39,565,000	42,925,000	40,825,000	40,825,000	40,825,000
Less trust fund transfer	−5,429,000	−5,429,000	−5,855,000	−5,725,000	−5,725,000	−5,725,000
Total	34,136,000	34,136,000	37,070,000	35,100,000	35,100,000	35,100,000
Total, departmental management	39,946,000	39,946,000	44,997,000	43,027,000	43,974,000	43,027,000
Total, HEW	13,517,791,500	13,370,994,000	15,357,955,000	15,486,915,000	[8] 16,216,575,078	[8] 15,570,772,000
TITLE III—RELATED AGENCIES						
National Labor Relations Board	$38,522,000	$38,522,000	$37,930,000	$39,430,000	$39,430,000	$39,430,000
National Mediation Board	2,353,000	2,353,000	2,394,000	2,394,000	2,394,000	2,394,000
Railroad Retirement Board:						
Payment for military service credits	19,206,000	19,206,000	19,969,000	19,969,000	19,969,000	19,969,000
Limitation on salaries and expenses	(16,162,000)	(16,162,000)	(16,740,000)	(16,740,000)	(16,740,000)	(16,740,000)
Federal Mediation and Conciliation Service	9,027,000	9,027,000	9,508,000	9,508,000	9,508,000	9,508,000
U.S. Soldiers' Home (trust fund appropriation):						
Operation and maintenance	9,445,000	9,455,000	9,822,000	9,822,000	9,822,000	9,822,000
Capital outlay	170,000	170,000	128,000	128,000	128,000	128,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE III—RELATED AGENCIES—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date) [1]	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	House allowance	Senate allowance	Conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
ECONOMIC OPPORTUNITY PROGRAM						
Community Development Programs:						
(a) Research, development and evaluation	$75,600,000	$75,600,000	$118,300,000	$114,600,000	$114,600,000	[20] $114,600,000
(b) Health and nutrition programs	155,200,000	155,200,000	176,800,000	195,300,000	195,300,000	195,300,000
(c) Legal services programs	53,800,000	53,800,000	63,400,000	61,400,000	65,400,000	61,400,000
(d) Community action operations	382,100,000	382,100,000	384,600,000	388,600,000	388,600,000	[21] 388,600,000
(e) Special impact program	36,800,000	36,800,000	32,100,000	37,100,000	39,100,000	37,100,000
(f) Migrant program	30,900,000	30,900,000	35,500,000	35,500,000	35,500,000	35,500,000
(g) VISTA	35,000,000	35,000,000	38,500,000	36,500,000	36,500,000	36,500,000
Subtotal	769,400,000	769,400,000	849,200,000	869,000,000	875,000,000	869,000,000
Work and training programs	(753,900,000)	(753,900,000)	(802,000,000)	(760,100,000)	([15])	([15])
Child development programs:						
(a) Head Start	326,000,000	326,000,000	339,000,000	321,300,000	([18])	360,000,000
(b) Follow Through	70,300,000	70,300,000	69,000,000	70,400,000	([18])	69,000,000
Subtotal	396,300,000	396,300,000	408,000,000	391,700,000	----------	429,000,000
Rural loan program	9,400,000	9,400,000	5,000,000	9,400,000	9,400,000	9,400,000
General support	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000
Total	[16] 1,191,100,000	[16] 1,191,100,000	[16] 1,278,200,000	[16] 1,286,100,000	[17] 900,400,000	[16] 1,323,400,000
Federal Radiation Council	132,000	132,000	144,000	144,000	144,000	144,000
President's Committee on Consumer Interests	460,000	460,000	810,000	810,000	810,000	810,000
National Commission on Product Safety	1,475,000	1,475,000	----------	----------	----------	----------
President's Council on Youth Opportunity	300,000	300,000	300,000	300,000	300,000	300,000
Cabinet Committee on Opportunities for Spanish-Speaking People	537,000	537,000	675,000	675,000	675,000	675,000
Payment to the Corporation for Public Broadcasting	15,000,000	15,000,000	22,500,000	----------	27,500,000	23,000,000
National Credit Union Administration	----------	----------	500,000	----------	500,000	----------
Total, new budget (obligational) authority, related agencies	1,287,727,000	1,287,727,000	1,382,880,000	1,369,280,000	1,011,580,000	1,429,580,000
Grand total, appropriations	16,649,468,530	16,502,671,030	18,759,377,000	18,824,663,000	19,239,514,078	[4] 18,969,392,500
Consisting of—						
Definite appropriations	16,618,589,530	16,471,792,030	18,722,553,000	18,790,339,000	19,200,190,078	18,932,068,500
Indefinite appropriations	30,879,000	30,879,000	36,824,000	34,324,000	39,324,000	37,324,000
Grand total, contract authorization					30,000,000	30,000,000
Grand total, new budget (obligational) authority	16,649,468,530	16,502,671,030	18,759,377,000	18,824,663,000	19,269,514,078	18,999,392,500

[1] 1970 appropriations are adjusted to be comparable to the 1971 estimates.
[2] Includes work and training activities transferred from Office of Economic Opportunity.
[3] Includes budget amendment of $5,140,000; not considered by House.
[4] In addition, the Senate included $30,000,000 of contract authority for hospital construction which was agreed to in conference.
[5] Excludes $30,000,000 of contract authority for hospital construction agreed to in conference.
[6] Reflects transfer of Follow Through program from Office of Economic Opportunity.
[7] Conference appropriated Follow-Through to OEO.
[8] To support NIH research facilities at the laboratory and supporting facilities at Fort Detrick, Frederick, Md.
[9] The proposed general provision limiting social services administration, and training to 115 percent of the 1970 budget estimate was included in the bill.
[10] The $8,000,000 for "Facilities for the mentally retarded" is included under "Services for the mentally retarded." These funds are part of the $13,215,000 earmarked in the Senate appropriation bill for grants under pt C of the newly enacted Developmental Disabilities Services and Facilities Construction Act. Conference agreed to $11,215,000.
[11] Tentative estimate. Supplemental will be submitted as soon as final estimate can be made.
[12] Open-ended: obligations authorized to be charged to subsequent appropriations.
[13] Reflects transfer of Headstart program from Office of Economic Opportunity.
[14] Conference appropriated Headstart to OEO.
[15] Represents Office of Economic Opportunity funds administered by the President's Council on Physical Fitness and Sports in fiscal year 1970.
[16] Reflects transfer of work and training programs to Department of Labor.
[17] Reflects transfer of work and training activities to the Department of Labor, and child development programs to the Department of Health, Education, and Welfare.
[18] Senate action provided separate appropriation for these programs as follows: Headstart (HEW, Office of Child Development) $398,000,000. Follow Through (HEW, Office of Education) $70,400,000.
[19] Directs that the National Summer Youth Sports Program be funded at the 1970 level ($3,000,000).
[20] Includes: $18,600,000 for Family Planning, $48,900,000 for Emergency Food and Medical Services, $12,800,000 for Alcoholism, $12,800,000 for Narcotics, $99,400,000 for Comprehensive Health Services, and $2,800,000 for Program Direction.
[21] Includes: $328,900,000 for Economic Opportunity Act (EOA) Section 221 Community Action Programs, $6,900,000 for Senior Services Programs and $52,800,000 for State Economic Opportunity Offices, Training and Technical Assistance, and Program Direction.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

First of all, I wish to state for the record that there has been no intentional delay on the HEW conference report. There have been some suggestions made that the Senator from Washington might have been holding it up pending a decision or a solution of the problem in connection with the Department of Transportation appropriations. That is not correct. The Senator from New Hampshire and I have been urging for almost 2 weeks that we would be glad to bring it up at any time that the leadership wanted to bring it up, and we urged that it be done.

This is a very important bill. It involves a lot of money. The distinguished present occupant of the chair (Mr. WILLIAMS of New Jersey) has been deeply involved in some of the matters in the bill.

We separated the education part of the appropriation and passed that earlier, so that school districts, boards of education, and educators could arrange their budgets consistent with what we would appropriate, which they did. Then we proceeded with the other parts of the bill, which included the appropriation for the Department of Labor, which is a large amount, and then, of course, health and welfare matters. OEO is in this bill, and, as usual, we had some problems about just what everyone wanted to do, including the administration, about the future of OEO.

We heard many, many witnesses. The Senator from New Hampshire and I, and the other members of the committee, spent many hours listening to witnesses, and not just people who wanted to come in off the street, so to speak, and testify about the bill, but the knowledgeable people who are involved in the great complex operation of HEW.

The total appropriations allowed in conference for the Departments of Labor, Health, Education, and Welfare is $18,969,392,500. This sum is $2,466,721,470 over the comparable appropriations for 1970, is $210,015,500 above the total budget estimates for fiscal year 1971, is $270,121,578 under the total sum recommended by the Senate, and $144,729,500 above the amount allowed by the House.

Yesterday we had a great deal of discussion about what a conference is about, and a conference is literally the sort of matters that are decided on money for programs, such as are contained in this bill. In many instances, we insisted on several items that we thought were important, which involved priorities. The conference report is $144 million above the amount allowed by the House.

In my judgment, it is a good bill; it is a good compromise. The amounts provided for some items are not entirely to the satisfaction of every Member of the Senate. However, in the main, there will be adequate funds to meet necessary expenses of the Departments of Labor, and Health, Education, and Welfare, and re-

lated agencies in fiscal year 1971. "Related agencies" means several independent agencies for which we have to appropriate money.

As Senators know, the rate of expenditures since June 29 has been under a continuing resolution of Congress, and will be until such time as the pending bill becomes law.

Major items that were increased by the Senate and were reduced in conference are the following. At this time, Mr. President, in order to save time, I ask unanimous consent to have these figures printed in the RECORD.

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

DECREASES FROM SENATE

	House	Senate	Conference	Decrease
Labor:				
Labor-Management Services Administration	$16,500,000	$16,700,000	$16,600,000	−$1,000,000
Wage and Labor Standards Administration	45,000,000	45,531,000	45,212,500	−318,500
HEW:				
Food and Drug Administration	89,549,000	90,399,000	89,549,000	−850,000
Environmental Health Service	162,827,000	176,747,000	170,717,000	−6,030,000
Health Services and Mental Health Administration	1,384,090,000	1,459,495,078	1,422,410,000	−37,085,078
National Institutes of Health	1,634,739,000	1,805,979,000	1,688,799,000	−117,180,000
Social and Rehabilitation Service	9,500,092,000	9,495,175,000	9,483,492,000	−11,683,000
Related agencies:				
Office of Economic Opportunity:				
Headstart	321,300,000	398,000,000	360,000,000	−38,000,000
Follow through	70,400,000	70,400,000	69,000,000	−1,400,000

Mr. MAGNUSON. If any Member of the Senate wishes to ask questions about any items later, we can discuss it.

Mr. President, as usual this was a difficult conference—and Senator COTTON, the ranking Republican and myself worked hard—as did all the Senate conferees—in providing as much of the Senate increases as were possible in the areas of greatest need. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. We were also trying to arrive at a total figure that would be acceptable to the President, a figure in the bill that the President would sign and not veto as he has done with the last two bills this committee has agreed to in conference.

We believe this bill should be acceptable to the President.

We believe the President should sign this bill, so all those affected can get their money and we can proceed in providing job opportunities, health care service to millions of Americans, research that will sustain the lives of people around the world who now die from the major killers, such as cancer and heart disease, and also that the welfare and well-being of our aged and our young can be sustained and improved.

We are just as disappointed as some Members are that we could not do better in providing a larger sum in some areas, but we had to take this in the context of what our capabilities are to do this job. I am particularly disappointed that we were not able to provide more money for health manpower.

Surely, the final figure in this bill is inadequate, but we will be back in this coming fiscal year to see if more can be done. I am hopeful that the administration and the House will have a better understanding of the critical needs in this area in the future. If we are to solve our crisis in health care and provide a workable health delivery system, this problem of health manpower must be resolved. The longer we delay, the more difficult the solution becomes.

We will put in the RECORD the major increases over the House that were allowed in conference.

In order to save time, all this material can go into the RECORD, and Senators who wish to discuss or expand on the items which they feel are important can do so.

Senate increases over House allowances

Air pollution:	
Assistance to States and local agencies	$1,250,000
Training of technical personnel	500,000
Environmental control:	
Solid waste disposal	500,000
Community water supply study	500,000
Federal Coal Mine Health and Safety Act	5,140,000
Mental health:	
Staffing grants	10,000,000
Hosr ..l improvement projects	1,000,000
Mate)Lal and child health:	
Dental health projects for children	320,000

I might note here that the Supplemental Subcommittee on Appropriations has included in the Senate bill, additional funds for drug and alcohol treatment, and education. I commend the Senator from West Virginia (Mr. BYRD) for his leadership in this critical area of need.

Regional medical programs:	
Mobile coronary care services	$3,000,000
Cancer center (Northwest)	5,000,000
Kidney disease treatment centers	2,000,000
Communicable diseases: Those showing increased incident	2,000,000
Medical facilities construction:	
D.C. Medical Facilities	15,000,000
(A new program that authorizes the Secretary of HEW to establish a revolving fund and make commitments to public agencies in lieu of direct (+$30,000,000) loans without an actual appropriation. (This will be in form of contract authority.))	
National Institutes of Health:	
Cancer	3,000,000
Heart and Lung	15,000,000
Neurological Diseases and Stroke	5,000,000
Health Manpower	
Health manpower: Institutional support	9,000,000
Student assistance:	
Loans	4,500,000
Traineeships	1,000,000
Scholarships	500,000

Included in the increase of $15,000,000 over the House allowance for Health Manpower is an increase of $500,000 for institutional support for public health training. It is our intent that this $500,000 increase be allocated to fund formula grants to schools of public health.

Dental health: Research grant program	$60,000
Construction: Health educational research on library facilities of which $13.5 million will go to medical, dental, and related construction and $1.5 million will be for nursing construction	15,000,000
National Library of Medicine:	
Library operation and grant programs	500,000
Lister Hill biomedical communications	500,000
Rehabilitation services and facilities:	
Construction of rehabilitation facilities	1,750,000
Facilities and services for the mentally retarded and other developmentally disabled	2,000,000
Programs for the aging:	
Foster grandparents	500,000
Retired senior volunteer program	500,000
White House Conference on Aging	650,000
Research and training: Income maintenance experiments	1,000,000
Special institutions: Gallaudet College	227,000
Related agencies, economic opportunity program: Headstart (for a total appropriation of $360,000,000)	38,700,000
Corporation for Public Broadcasting:	
Payment to Corporation	20,000,000
Matching grants	3,000,000
Total	23,000,000

In the Department of Labor, we were able to get a little more money for labor-management policy development, for the reporting and disclosure laws, for the Age Discrimination and Employment Act, in which the present occupant of the Chair, the distinguished Senator from New Jersey (Mr. WILLIAMS) is deeply interested and has done yeoman work, and for the enforcement of the Construction Safety Act. We were also able to add a few dollars for the employment of the handicapped program, as well as a new program for providing jobs for returning veterans.

In the area of health, some of the Senate increases prevailed on such programs as air pollution, assistance to States and local agencies, training of technical personnel. We increased environmental control for solid waste disposal, community water supply study, and a special item, the Federal Coal Mine Health and Safety Act, which was provided by a special piece of legislation by this Congress, this session.

As to mental health, all of us were concerned, particularly the Senator from New Hampshire and I and other members of the committee, in trying to get more money for staffing grants. We think the community mental health centers are understaffed. We did get a rather substantial increase to do that job—not as much as we would like—and also, a small increase on hospital improvement projects.

With respect to maternal and child health—this is one of the items in the bill we found out some amazing things in our testimony. We learned that almost one-half of the children in the United States never see a dentist before they are 8 years old.

We think this is a field we have to explore further and provide the means to take care of children's dental problems. This will save money in the long run, not only for their parents and themselves but also for the Government. This is a preventive program.

I might also note that the Supplemental Subcommitte on Appropriations has included in the Senate bill additional funds for drug and alcoholic treatment and drug education. I commend the Senator from West Virginia (Mr. BYRD) for his leadership in this critical area of need.

In the regional medical programs, we are somewhat on the plus side. With respect to mobile coronary care services, which is very important in many communities in the United States, we think we have sufficient funds to keep them moving. For cancer centers, we have established an opportunity for new centers, also kidney disease treatment centers.

In the field of other diseases, communicable diseases, we did not agree on the amount we would like, but we are on the plus side.

Then we got more money for the District of Columbia medical facilities. We also provided a program that authorizes the Secretary of Health, Education, and Welfare to establish a revolving fund and to make commitments to the public agencies in lieu of direct loans without an actual appropriation. This will be in the form of a contract authority, and we provided $30 million for this. This includes all medical facilities in the District and in the several States.

Mr. President (Mr. GRIFFIN), with respect to the National Institutes of Health—there are 11 institutes—the House did a good job in adding more money for research in cancer. In fact, it was a great deal above what anyone expected, and we were able to add some $3 million to that dread disease.

Now, heart and lung—there was a great deal of testimony in the committee by many Members of the Senate and others that this is a place where we should do more, and we did in the Senate bill, and the House finally agreed to another $15 million for research in that field, which is now up over 1970.

In the neurological diseases and stroke, we have added another $5 million. But then again on the health manpower, we had some problems, but this was the best we could do.

On institutional support, including student assistance, loans, traineeships, and scholarships, a $15 million increase. There we found that we needed to do more about this. We are about 50,000 doctors and 150,000 nurses short in the United States. In dentists, the ratio is even more. So we are trying to embark upon a policy of appropriating money to train more people to be medical and dental assistants and to encourage more people to go into medical and dental schools as well as nursing schools, and we provided traineeships and regular scholarships in that field.

Included in the increase of $15 million over the House allowance for health manpower is an increase of $500,000 for institutional support for public health training. It is our intent that this $500,000 increase be allocated to fund formula grants to schools of public health. Dental health research is lagging, but I think both House and Senate are cognizant of it, and when the new budget comes up, we will try to do more.

In construction, we zeroed in on the health educational research and library facilities; $13.5 million will go to medical and dental related construction. It is a small amount but there was not much the Senator from New Hampshire and I and the rest of us could do about it. There is a small amount for construction for nursing facilities.

In the National Library of Medicine we now have sufficient money, in the library operation and grant programs, and in the new Lister Hill biomedical communications system, which is an exciting program. On rehabilitation services and facilities, we added a great deal to the budget for facilities; also for the mentally retarded and other developmentally disabled people. Then we added an amount to Programs for the Aging to really get the program off the ground, to what we call the foster grandparents, the retired senior volunteer program, and the White House Conference on Aging.

On related agencies, we provided a sizable increase on the OEO program. Headstart receives an additional appropriation of $38,700,000 from this conference.

Mr. President, I am sure that the Senator from Massachusetts (Mr. KENNEDY) is interested in my last statement about the Headstart matter. We had the assurances in the conference that, come next year, we will appropriate the money to the agencies that run the program, because that makes sense.

Now on the Corporation for Public Broadcasting, we have provided a sufficient amount for those people to do the kind of job they are doing. There was some criticism, naturally, of the programing, but, by and large, I think they are doing a good job. Some $23 million, which includes matching, will get them off to a good start. They are only a year and a half old. They already made a great impact on broadcasting programs and their integration into the television system of the United States. The Senator from Washington had a deep interest in this matter as the father of the bill that established the Corporation on Public Broadcasting.

Now, Mr. President, the Senate conferees did much to persuade their counterparts in the House to accept the additional $144,729,500 that was not in the House bill.

The House conferees agreed with the Senate that manpower training activities should be consolidated, and, that the appropriation should go directly to the Labor Department for its administration of the $1.5 billion program.

The conferees decided that Headstart and Follow Through would be funded through OEO for this final year—but will expect funds to be appropriated directly to HEW beginning in the next fiscal year.

CONCLUSION

Mr. President, in closing, let me state that I thought the Senate bill was a good one. The conference report before you, today, provides for a good bill. However, the health industry is destined to become the Nation's largest employer in the next few years, and, today, it faces too many problems.

I repeat, there is a severe shortage of trained personnel, lack of adequate facilities and many arguments about the way it organizes and delivers health care. The most severe problem is sharply rising health costs so evident in the medicare and medicaid programs. I read only yesterday that the District of Columbia hospitals are going to increase the charge per day for a room in the hospital, I think some $4 to $10 per day. The national average now is more than $55 a day and that does not include special services for X-rays, drugs, or doctors' fees, and so forth.

This is a very serious problem. Probably it can only be solved by some kind of national health insurance program.

There is a severe shortage also in many other fields. There is a shortage in the dental field. We even had some discussion about veterinarians in the conference. There is a severe shortage of trained personnel, lack of adequate facilities, and many arguments about the way it organizes and delivers health care. But its most severe problem is sharply rising health costs—so evident in the medicare and medicaid programs.

The administration, the Congress, the State and local governments, the insurance industry, the consumer and, yes, the health industry itself must all show an increasing concern with solving the problems and the issues. This may require a stronger commitment—a rearranging of priorities if we are to provide for goals of excellence in health care.

The United States was once third in life expectancy among major nations of the world. We have slipped to 10th now in this ranking.

Infant mortality continues to be a national embarrassment.

The consumer finds himself fighting a losing battle in trying to finance his medical expenditures. Health insurance premiums have risen 10 percent a year or more for the last 10 years. We talk about inflation. This is the biggest inflationary facet we have in our economy. However, private health insurance continues to pay only about one-third of the total bill. The consumer still pays over 40 percent of medical expenses out of his hip pocket.

Government outlays have been increasing for the aged and poor, but these programs are far from being perfected and the burden on the taxpayer is being sorely felt.

There is an old adage that says "the sick get poorer, the poor get sicker."

My point is, Mr. President, that unless we all do more, this adage could well apply to too many Americans in a short period of time. It applies to too many now—here and around the world. Perhaps—just perhaps—we did not do

enough in this bill. But I think we made a solid start toward those goals.

Mr. COTTON. Mr. President, I will not delay the Senate by any extended remarks on the conference report. It has been adequately and, in fact, most carefully covered in his usual thorough and accurate manner by the distinguished chairman of the subcommittee, the Senator from Washington (Mr. MAGNUSON). I want to emphasize two or three points. One point that I want to emphasize first—and this is not in the usual spirit of senatorial courtesy and throwing bouquets—is that I want to again testify to the Senate concerning my admiration for the leadership the Senator from Washington, the chairman of the subcommittee, has given in dealing with this bill which is every year one of the most perplexing and most difficult bills to deal with. Knowing that he was distracted by illness in his family and the burden of his work as chairman of the other committee on which I serve, the Commerce Committee, I marvel at the patience and the thorough manner in which he has dealt with this very difficult bill. I cannot be too lavish in my sincere praise and appreciation for him.

Mr. MAGNUSON. Mr. President, would the Senator yield?

Mr. COTTON. I yield.

Mr. MAGNUSON. Mr. President, I deeply appreciate the Senator's remarks. However, the Senator from Washington took over this bill only 2 years ago. The Senator from New Hampshire has always been a member of this committee. He sat through many hours and heard the testimony of many hundreds of witnesses.

I must say, as long as we are exchanging compliments, that without his advice I do not think we would have had the kind of bill we now have.

Mr. COTTON. Mr. President, I thank the Senator. He is most kind. It is a privilege to work with him.

Mr. President, the first thing that the Senate should bear in mind, I think, when it considers this conference report is that the bill, as has been stated by the chairman, is just under $19 billion. It is one of the largest appropriations. When we add to it education, it is second in size only to the national defense.

The thing that I want every Senator to bear in mind is that out of the nearly $19 billion in this bill as it comes to us from the conference committee, more than $11 billion is in uncontrollables.

The Committees on Appropriations and the Congress itself, and even the President, are unable to control, omit, or change the amount.

Mr. President, these are fixed amounts. They have fixed obligations. This figure, of course, does not include the trust funds. They, too, are fixed and uncontrollable. They are beyond and outside of this bill. They are fixed charges in which in most cases the Federal Government is obligated to meet and pay its share, whatever that cost may be, as incurred by the States and other subdivisions. That makes it very difficult.

I observe the distinguished Senator from New York in the Chamber. Until last year, the Senator from New York served on this subcommittee before he went on from the Appropriations Subcommittee to the Foreign Relations Committee, I believe it was. He is thoroughly aware of this situation.

The Senator from New York, the Senator from Massachusetts (Mr. KENNEDY), and various other Senators appealed to our subcommittee and appealed in the interest of some very necessary and some very vital programs that are necessary if we are going to preserve or, we might say, restore the physical and mental health of this country and if we are going to give in some increased measure an opportunity for the children and youth of this Nation to have a chance in life to grow up physically sound and to grow up with educational opportunities and opportunities to better themselves and to be taken from the oppressive conditions under which they exist.

Let me emphasize that we on the committee—and I am sure that I speak for the chairman and for every member of the subcommittee and for every conferee—are not in the least impervious to the justice and the righteousness of these demands. But the fact remains that some of us made an attempt before the bill left the Senate simply to place some restriction on the carte blanche growing cost of administration of welfare in this country, where the authority is an open-ended authority and any State can put on all kinds of help and increase the large numbers of people who are administering welfare and we in Congress, the Federal Government, and the President in the White House have no choice but to meet that demand.

I want to say very seriously, and the same is true in a sense with respect to medicaid and other charges that are uncontrollable and which keep growing, that it is going to be very difficult for us to do what we want to do and should do in these very necessary and special causes because we have such a narrow leeway of dollars with which to work.

Mr. President, the chairman of the committee has reported that in conference our conferees succeeded in getting the House to concede to us and restore $144 million. What he may have added, and I did not hear whether he did or not, is that that means the final conference report runs $210 million above the President's budget.

Now, if the conferees had gone just a little further we would have had a bill with a quarter of a billion dollar increase over the President's budget. Congress has its responsibility and none of us feels justified in any sense in subordinating his own convictions because of any suggested or implied veto, and as far as I know there was no threat of veto in this case. But as a practical matter, and it is especially true as we come to the end of this fiscal year—and the time of the fiscal year goes only to the end of next June—we have to bear in mind the catastrophe that would occur if we had to go through another process of veto by the Executive and then action in response by Congress in either overriding the veto or sustaining the veto and trying to redraft the bill. Those are the practical matters.

I feel that recently we have asserted our responsibility. The committee placed in this bill money to satisfy every pressing need, insofar as we had the wherewithal to do it.

We emphasized when we went into conference, as the Senators have gathered from the words of the chairman, that there were certain things we would fight for. One of the things we emphasized most was health-manpower. We tried to strain every nerve to deliver health services to this country. It is of little use to spend billions upon billions of dollars over the year in research and in training researchers, and in discovering and perfecting new methods of cures and treatments if we do not find some way to get the results of all that research and the results of all those advances in medical and surgical procedures, in science, and in sanitation to the people. It is somewhat like having a beautiful spring of pure water up on the hill and no pipe to bring it down to the home.

So we tried and we succeeded in getting the House to concede a great deal in that field. It has been very encouraging to the Senator from New Hampshire to have the medical profession, instead of constantly shouting they have to uphold their standards and that they cannot compromise, agree with the committee that without cutting corners and sacrificing skills, a few less years can be taken out of a young man's life before he can begin to treat patients and practice his profession.

The matter of 4 years in college, 4 years in medical school, all the years in internship and in residency means that the scarcity of doctors is growing and growing. Something is being done about that. We tried to secure money, and we did secure more, but not as much as we had hoped for, to open up the doors of the medical schools of this country to young men and women to become doctors.

In addition to that, along the same lines we dealt with the matter of assistants to doctors, bringing in, for instance, and utilizing those young men who are coming out of the service who have had several years of experience in the Medical Corps in the Army, to assist in operations, treatments, and sanitation. A great deal can be done in the crowded parts of the cities and the sparsely populated parts of our country, where in town after town and village after village—as the Senator from Vermont will agree—it is impossible to secure the services of a doctor. It does not mean we are going to let down the barriers and let people practice medicine who are not qualified.

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

Mr. COTTON. I yield.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAGNUSON. Another program which we think is very exciting is that the deans of all the medical schools came in and agreed that it is entirely possible to pick up some of this shortage of physicians or dentists without lowering the standards, to decrease the amount of time that a young medical student has to spend, the 6 or 8 years before he becomes a doctor, because if he gets to help as a

physician's assistant, or as a corpsman, this would alleviate some of that shortage. A young fellow who does not have the money or backing financially, if he has to spend 8 years on a loan, he will spend the next 10 years trying to find out how he can pay back the loan. So, therefore, he concentrates on the place where he may be least needed but can do better financially. We have an exciting program starting whereby at least 1 year can be cut from the period of learning. The Senator from New Hampshire and I were pleased with the reception we got from the medical schools and the medical profession.

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

Mr. COTTON. Certainly.

Mr. JAVITS. I am sorry I interrupted the Senator before.

Mr. COTTON. The Senator from New York interrupted me at my request.

Mr. JAVITS. I have other questions and other matters which I shall touch upon on my own time. I think what the Senator has done is critically important, because we in the Labor and Public Welfare Committee—and I am the ranking Republican member on the committee—know that no matter what we would do in the way of expanding medical schools, and the per capita cost is unbelievable, the real problem we have to cope with is the shortage of doctors, and the maldistribution of the doctors. I am glad the Appropriations Committee has worked on it. The cooperation between the committees could not be better. But I think we not only have to think about shortening the time it takes to become a physician, as the Senator from Washington (Mr. MAGNUSON) has said, but also about providing assistants to physicians.

Senators may be aware of the Felsher system in the Soviet Union, which utilizes paraprofessionals to provide health care. We may as well be frank here in the United States. We all admire our doctors and respect medicine as a profession, but I do not think they understand the real spirit of the antitrust laws. I say that euphemistically, but it is true. What we are trying to do is have the cooperation of the medical profession to develop physician assistants and otherwise relieve the problem of physician shortage and maldistribution. Nobody is talking about defying the medical profession or being antagonistic to physicians, but the medical manpower shortage is so real and so great that we are going to have to find someway to make the decision to overcome the problem rather than look to them to make it.

Also, we are going to have to provide some condition to those receiving Federal financial assistance to become health professionals that they will serve the Nation in certain areas, for a given period of time, where it is required in the national interest.

I do not see any reason why, when we make it possible with a Federal scholarship or loan to help a person become educated to be a doctor, and he accepts that assistance voluntarily, we cannot ask that young man or woman to give a certain number of years of service, in a given place, for a given time. It seems to me we are going to have to realistically face this problem.

Mr. MAGNUSON. The Senator from New Hampshire and I and the rest of us made a small beginning. I sponsored a bill which would allow the Public Health Service to have its doctors go into the ghettos or rural areas, or wherever it was felt they were needed, for 2 years. That measure is at the White House. I hope the President will sign the bill. This is a small beginning, but it is exactly what the Senator from New York is talking about.

Mr. JAVITS. Yes, I favored the bill strongly, and I worked for it in committee and on the floor.

Mr. MAGNUSON. The Senator certainly did. I have no reason to believe the President will not sign it.

Mr. JAVITS. I certainly hope and pray he will.

Mr. COTTON. Mr. President, I am almost through, and then I shall be yielding the floor to the Senator from New York. The Senator from New York is so right. We are all thinking along the same line. I have a rather vivid recollection of the time some years ago when I had a bill which dealt with the needs of rural communities by providing scholarships for medical students on the same plan that had previously been offered in the matter of teaching, with the agreement that if the doctors would practice either in the ghettoes or in the rural sections after they were graduated, there would be a forgiveness on what they had borrowed or received of 10 percent for each year that they practiced there. So at least we would have a good chance of having the young doctors—and it would not do them any harm, either—go where they were needed for 5 or 6 or 7 or 8 years, which would mean a great deal.

I remember that that proposal was opposed by a Senator who is no longer with us, whom we greatly respected, and who at that time I think was chairman of the Committee on Labor and Public Welfare. He rather snippily said to the Senator from New Hampshire, "The Senator from New Hampshire believes in slavery." It seemed to me a rather extreme statement to make.

We do not believe in slavery, but I think we are all in agreement now—and I am glad to find the doctors at last are coming around to our way of thinking—that if we are going to furnish scholarships and loans, and if we are going to put money into medical schools and into institutional support, we are entitled to have some of the beneficiaries at least put in a certain amount of time where they are needed so that their help can reach the people who most need them.

The doctors also have been very broadminded, and in this bill for the first time—although there has been some in previous bills—a great deal of emphasis has been placed on availing ourselves of that.

Unfortunate as the war in Vietnam is and has proven for this country, there are small compensations, and one thing is that many young men are getting, on the field of battle and in field hospitals, and elsewhere, exceptional training. I refer to those who are not doctors. They are coming back and going into civilian life. We have money for that in this bill, and the committee has expressed itself. The medical profession has answered it with a hearty "Amen," and said that they are going to train them to be assistants to the medical profession, particularly in those places where care is needed.

Everyone wants to see the doctor himself. That is particularly true among some of the rural communities I represent. But there are many things that, under a doctor's supervision, these young men and women can do and extend.

We know we have had to say "No" to many worthy things, but the emphasis in this bill is to try to carry the medical services to the people. That was one thing.

The second thing that we laid great emphasis on was mental health centers and regional medical centers, and the staffing of them, so we do not have, in a sense—this is an exaggeration for the sake of emphasis—the situation which would exist if Standard Oil Co., for example, had its central offices in New York and no gasoline stations.

Fine work has been done at the National Institutes of Health. We have had all this fine research. We have all these many programs. But we have fallen down when the time comes to get the help into the communities, into the crowded ghettos in the cities, into the extreme rural places, where there are inadequate medical and health facilities.

Those two things, your conferees on the part of the Senate—and I think the chairman, the Senator from Washington, will corroborate this—particularly concentrated on, in getting the House conferees to yield.

I close with this: I hope, and I want to say now that many will disagree, but we have got to find some way. Of course, this country cannot afford to fight wars and pour money into national defense, and neglect the health and the needs of its people, but we can do more and sooner and more effectively if we find some way—and the States will cry out about it, and everyone whose toes are being stepped on will scream about it—but if we can find some way to control a larger percentage of these appropriations, it will allow us to go further along the lines that we know are crying out for attention.

We have done the best we could. There are many disappointments in this conference report, but I have a feeling that the President will sign it. The year is half gone. He will sign it, and we will get the wheels moving. And on the whole, I think that both the House and the Senate conferees did a faithful and a good job.

Mr. JAVITS. I thank the Senator. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I noted that in the House bill there was $8 million dollars for research and training projects, and the Senate bill raised that to $10 million. The conferees cut out $1 million.

Am I correct in understanding that this $1 million was cut out because of the impending family assistance plan legis-

lation, which it was felt at that time might possibly become law?

Mr. MAGNUSON. Yes, that is right.

Mr. AIKEN. Do I also correctly understand that if the FAP proposal does not materialize early next year, that $1 million can be restored in a supplemental appropriation bill and be made available for FAP-related projects?

Mr. MAGNUSON. Yes, that is correct.

Mr. AIKEN. That was my understanding. I simply wanted to confirm it for the record.

Mr. COTTON. Mr. President, if the Senator will yield, there are several points in this bill that, having in mind what might happen if the President's family assistance plan in some form were adopted, we held back. There were several places that I think must have the attention of the committee in its next supplemental, because of the fact that the family assistance plan has not been enacted.

Mr. MAGNUSON. That was clearly understood by the conferees on both sides.

Mr. AIKEN. I thank the Senator. I would like to say I would have voted for the family assistance plan had I had a chance to, this year.

I also hope that the social security legislation will not be held up because of the divorce between the two programs. However, I understand that is a strong possibility, that we will not get anywhere with the conference, and that both proposals, social security and the family assistance plan, will be taken up very early in the coming session.

I thank the Senator from Washington and the Senator from New Hampshire.

Mr. MAGNUSON. Another thing related to this subject in this bill is that, of course, the Senator from New Hampshire and I and the other conferees had to pass on large amounts which were not direct appropriations. These are limitations, and amounts that go to beneficiaries, and the cost of administration. We sit as a kind of board of directors, as it were. They report to us once a year what they are doing and on their need to do it.

We were a little bit discouraged this year—at least I was—in that they are getting into too much bureaucratic redtape.

Mr. AIKEN. I know.

Mr. MAGNUSON. We hope next year to get at this problem. It has grown up to where there is too much redtape. When we talk about employment, how many people does the Senator think are employed by HEW, altogether?

Mr. AIKEN. I understand there are 34 public relations agencies in there somewhere.

Mr. MAGNUSON. Yes. There are over 800,000 salaries paid by HEW.

Mr. AIKEN. It is my understanding——

Mr. MAGNUSON. That is the trouble that we have with this bill. Normally, when I have handled appropriation bills, the people downtown, right or wrong, come up here, and they more or less know what they think they want and what they are doing. I may not agree with it. But it is hard to wade through that system at HEW. Labor and OEO are not easy to understand.

Mr. AIKEN. Yes.

Mr. MAGNUSON. So the Senator and I have had to kind of steer our course, hoping—without too much aid from lighthouses or anything else in the departments—we are just out in the sea, and trying to do the best job we can. Still, I think we have come up with a good bill. We think we have. I do not mean to criticize anyone. But take, for example, OEO: No one knows what they are going to do with it. That has accounted for $2 billion in this bill. I suspect they are trying to phase it out downtown.

The big amount was in manpower training and Headstart. There are more agencies and bureaus in HEW than you can imagine. We have over 100 line items in this bill. I think the only fellow who benefits down at HEW is the sign painter. He must be busy every day, because they call a thing one thing one day, and another thing the next, and they have some language in their requests that you cannot understand. The sign painter must be going around every day changing the names and titles on all the doors. Instead of saying a request is for funds to provide employment of the hard core unemployed, they say it is for some kind of psychological rehabilitation, or something like that, so that you do not know what it means.

It is a difficult bill, but we think we have set aside money for the necessary things. I am like the Senator from Vermont; if I had had a chance, I would have voted for the family assistance program. I think there has to be some guidelines come out of this whole business. The social security people are doing a good job, but it has just grown to the point where there is too much inequality in how the local offices handle it. That is one thing we want to get at, particularly in view of the fact that now the headlines this morning indicated that we are going to give everyone a 10-percent increase. When the Senator from Vermont and I go home, we are going to have to explain why they do not get it at once.

Mr. AIKEN. Exactly.

Mr. MAGNUSON. They read it and they say, "There it is."

Mr. AIKEN. I know.

Mr. MAGNUSON. That is a rather difficult job.

Mr. AIKEN. It is my understanding, and I think my information is authentic, that in the "redtape" factories, instead of laying off help as have so many of the other industries of this country, they have actually been adding to the number of their employees engaged in the manufacture of this product.

I want to say that in view of all the circumstances, I think the Senator from Washington and the Senator from New Hampshire have done an exceptionally good job in being able to bring to us this bill today, and being able to get as far as they have in trying to restore order out of a considerable amount of chaos.

Mr. MAGNUSON. It is pretty difficult to wade through this. We beg the indulgence of the Senate. We made some mistakes, but we did our best.

Mr. AIKEN. I know that we are not going to start some new program, desirable as it may be, without having a considerable number of mistakes in it, as we have found from experience that always happens. That is why I am in favor of conducting some tests of family assistance plan.

Mr. JAVITS. Mr. President, to finish the matter about the physician shortage and then I will go on to other things: I deeply believe and recommend to the committee that they look into—and we will have to look into it in the Labor and Public Welfare Committee—ways of elevating the dignity of the individuals with whom we wish to deal, and other veterans with training in the health professions, the ex-corpsmen and other people who can be brought into the health field all with sufficient competence to be of assistance to the doctors.

What they often resent is being called orderlies with all that that implies. Yet, many times because of licensing laws there is no other designation. This is an important thing for a man who has been through what many of our corpsmen have been through or for any other capable young person who does not choose to spend the time it takes to become a doctor yet can provide to our people an important facet of health care.

So we will remember—and I hope my colleagues will remember—the question of dignity and some designation for these men and women which will be compatible with their own self-esteem, as being critically important in this respect.

Mr. President, the questions I should like to ask the chairman and the ranking Republican member of the committee relate to the problems of the OEO. I have come to the Chamber from a hearing with respect to confirmation of the nomination of a new Director of the OEO, Mr. Carlucci.

The important thing is to know what is going to remain of the office. The Senator from Washington just said that he kind of thought it was going to be phased out. It is a fact that in this appropriation—unlike the last appropriation—$760,100,000 is being appropriated directly to the Department of Labor, though it is authorized under the OEO law for manpower training of the poor, the so-called hard-core unemployed.

In addition, we already have a forecast by the committee that next year, Headstart and Follow Through combined—again approximately $430 million—will be funded directly to the Department of Health, Education, and Welfare.

The administration—I might say—would like to see OEO as a coordinating agency in the Government for matters affecting the poor, as an advocate of the poor, as to other Government departments for example on consumer issues, manpower issues as a laboratory for new experiments in how to deal with poverty, and, finally, as a central agency respecting community action agencies.

Even those functions, the four I have mentioned, would be a very representative permanent function—permanent in the sense that, unhappily for all of us, we probably will be troubled with poverty for some time to come.

So when we questioned Mr. Carlucci, he was able to affirm his judgment that he was going into an agency that had a basic and permanent function and that he was not under the belief that he was going into an agency he would have to liquidate or which was going to be taken out from under his feet but, rather, one in which he fully expected to serve. Although the order of magnitude would probably be reduced, the functions I have mentioned are very representative and very solid.

One of the essential things they are doing is the legal services program, although that has come under considerable attack. The fact is that they are doing a very important job—because it relates almost to what I said before about young people who might become members of allied health professions—because of the dignity which it gives the poor. We have learned that for the $61 million that it costs, what we get in value in terms of a poor person feeling "I, too, have a lawyer" is inestimable and bucks him up and helps us to get him out of the poverty syndrome.

In that regard, I should like to ask the chairman the following: Small amounts of money make a big difference when we are dealing with a $61 million appropriation. There is a factor of that work, legal services work, which relates to training, and it takes about $2.5 million a year—that is, training of people in that line. I have fought hard, and I express the hope that that training may come out of the general training operations of the OEO rather than reducing the end product of legal services by yet an additional amount. I ask the chairman whether in any way that was considered by the conferees. I should like to point out that if it was not considered, that was all right, too. At least, it leaves the field open for administrative decision. But if it was considered, we ought to know about it in connection with confirming the nomination.

Mr. MAGNUSON. In the Senate report, we agreed with the Senator from New York, and we pointed this out to the House and the conference added report language too. We had to go back to the $61 million of the House on legal services. They were adamant on this.

Mr. JAVITS. But the Senator did agree with us on this training figure.

Mr. MAGNUSON. Yes.

I agree with the Senator from New York. I did not want the legal services cut down. The Senate figure was $65.4 million. We have gone up from $53 million in 1970 to $61 million for 1971.

Then there was an argument about the regional authority vis-a-vis the authority here.

Mr. JAVITS. The central authority.

Mr. MAGNUSON. We agreed with that, and the House conferees agreed with us.

Mr. JAVITS. So that the legal services program will operate pretty much as it is.

Mr. MAGNUSON. I am deeply interested in it, and so are all other Senators. I think this is the most effective arm, much more effective than when the Senator was attorney general of New York and established a Consumer Protection Division. Most consumers do not know how to get to the attorney general's office, do they?

Mr. JAVITS. That is true.

Mr. MAGNUSON. I think the legal services here is one of the great arms we have with which to protect consumers, the poor consumers, who do not understand what is happening to them.

Mr. JAVITS. I thank the Senator.

I hope they do not take this money out of special impact. I would hope that the legal services would be end point money—that is, to really deliver legal services—and I am glad the Senator has sympathy with that.

Mr. MAGNUSON. We say in the Senate report:

> The committee further recommends that the full appropriation for legal services be used for operating programs. . .

Mr. JAVITS. Good.

Mr. MAGNUSON. We say further:

> And any funds necessary for technical assistance, training, or evaluation be taken from the general funds of OEO in the same manner as previous years.

Mr. JAVITS. We are in thorough agreement, and I am pleased to hear that.

Mr. JAVITS. Mr. President, the other item I wish to raise is the manpower training item and its relationship to the first supplemental. The amount which we approved here in this bill for all manpower training programs—approximately $41,900,000. However, we did succeed here in an effort in the first supplemental to increase the amount for a particular program—the Neighborhood Youth Corps program, by $41,900,000. However, that was reduced to $12.5 million in conference. I wish to point out to my colleagues that leaves the funding for next summer for the Neighborhood Youth Corps $31,730,000 short of the total funding level for last summer of $182,900,000.

When I tried hard to get an increase here, on which we realized on the net final result only about a quarter of, in round figures, I represented that we should change the practice of preceding years when we come around in May and sometimes as late as June with a supplemental at the last minute, when many communities—some did, some did not—planned for it and were able intelligently to absorb the money.

I hoped that we could give them now what they had last year with unemployment, which is now 5.9 percent, and from every indication it is going up—6 percent, or perhaps even worse than that. I know the Senator from Washington (Mr. MAGNUSON). I have sat in conferences with him, and with the Senator from New Hampshire (Mr. COTTON), and they need yield to no one in their skill in negotiation and in their insistence and strength in sustaining the Senate's position. So I am not in any way critical of them, but I would like to point out that I am not foreclosed—and I am not technically—from proceeding further in this matter on later supplementals, as it would appear—regrettably—that the sum worked out so far is inadequate.

I wanted to advise my colleagues that it may or may not come before this subcommittee. It may be the Subcommittee on Supplementals and Deficiencies, which is headed by another Senator, but nonetheless, I did not wish to let this matter go by without flagging that particular proposition.

Mr. COTTON. Mr. President, I want to be speaking only for the Senator from New Hampshire. I want to be completely honest with the Senator from New York and tell him exactly the position the Senator from New Hampshire is in. It bears upon the matter the Senator has raised.

The Senator from New Hampshire occupied the not very enviable position of trying to sustain the Senate's position and to back up the chairman whose judgment I respect so much, and, at the same time, trying to apply the brakes to hold down the increase over the budget and avoid, if possible, a presidential veto.

For certain reasons and because of certain information that the Senator from New Hampshire had, his goal was frankly to try to hold down the increase over the President's budget to $200 million. He missed by $10 million. He got it down to—not alone—but to $210 million.

The Senator from New Hampshire agrees with the Senator from New York that, in fact, it is one of the poorest practices we have of working along for weeks and months and taking evidence and putting through a bill, knowing we have simply put some necessary things on the shelf that will come along almost before the bill is cold in a supplemental. It is poor practice but, somehow, the Senator from New York is a practical man and knows all the ins and outs of this situation. Somewhere along in this practical situation we have got to hold down the bill so that it will get signed and functioning. We have got to face the fact that we have left some loose threads. The Senator from New Hampshire recognizes that, regrets it, and certainly he expects and did expect that the Senator from New York would pursue this matter of the supplementals.

Mr. JAVITS. The Senator is very kind. It is so typically honorable on the part of the Senator from New Hampshire. I wanted to make it clear of record. I appreciate the reasons. I shall vote for the conference report. I thank my colleagues for having done all they could. I have sat in on these conferences. We will make every effort where it has fallen short, and if we can convince the Senate again to face the conferees, then it can be corrected.

Mr. COTTON. I thank the Senator from New York. He is always fair but he has been most considerate this morning.

Mr. MAGNUSON. Mr. President, before I move adoption of the conference report, I join in expressing the gratitude of the Senator from New Hampshire and myself for the efficiency of the staff members we have——

Mr. COTTON. Indeed we do.

Mr. MAGNUSON. Working on the bill. This is a big and complicated bill. Mr. Harley M. Dirks, Mr. William J. Kennedy, and Mrs. Gloria Butland, worked hard on it for us and we deeply appreciate their fine efforts. We do not know how we could get along without them.

Mr. COTTON. I certainly join heartily in those sentiments.

Mr. CRANSTON. Mr. President, as we vote today on the Labor-HEW appropriations conference report, I wish to thank the chairman of the Senate conferees (Mr. MAGNUSON), the distinguished Senator from New Hampshire (Mr. COTTON), and their colleagues on the Labor-HEW appropriations subcommittee and in the conference, for their outstanding work in conference on this important legislation.

The importance and difficulty of their task in reaching agreement on this bill was compounded by the President's veto last January of the fiscal year 1970 Labor-HEW appropriation bill passed by Congress. When the views of the Senate and the views of the administration are as different as they have been this year in funding of these health, welfare, labor, manpower and poverty programs, the job faced by conferees and committee members is even more difficult.

America now faces critical shortages of medical personnel and facilities. The distinguished Senator from Washington (Mr. MAGNUSON) deserves special thanks for his efforts to increase appropriations to expand vital programs such as cancer research, community mental health, and regional medical programs, as well as to provide more manpower in the health field, and for his continuing commitment to improved and expanded health care in this country.

Regional medical programs, particularly those in California, have been successful in many areas and particularly in improving the capacity of many areas to provide health care in a coordinated way. I want to thank the Senator from Washington for his efforts to retain and expand regional medical programs. In California, regional medical programs have helped thousands who might otherwise have suffered more greatly from heart disease, cancer, strokes, and respiratory ailments. There are 24 projects in California presently funded through nine regional medical programs and each of these meets vital needs in its community. So I am especially grateful for Senator MAGNUSON's efforts to continue and increase funds for regional medical programs.

Last year, 323,000 Americans died of cancer. Each year the number of cancer deaths is higher than the year before. Our researchers tell us a cure is within their grasp, that a commitment of increased funds is the link to success. The chairman of the Labor-HEW Appropriations Subcommittee worked hard to insure their progress by providing a 21-percent increase in funds for the National Institute of Cancer and he deserves the high praise of all of us for that vital contribution.

I am particularly grateful to the able Senator from New Jersey (Mr. CASE) for his outstanding work in the conference to retain funds for the Headstart program, which were increased by $59 million by an amendment I offered and which was adopted on the floor last month. Headstart is one of the most successful activities in OEO, and well deserves continuation and the increased support recommended by the conference—$21 million above the President's budget request. Along with the Senator from Minnesota (Mr. MONDALE), the Senator from New York (Mr. JAVITS), and the Senator from Wisconsin (Mr. NELSON), I have worked to secure funds for this program, and it is extremely gratifying to see that $360 million—more than half of the difference between the two versions—has been designated for Headstart. We have a long way to go before Headstart can fully satisfy the needs of every community's disadvantaged children, but this landmark commitment from the Congress is an important beginning.

I am equally grateful to the Senator from New Hampshire (Mr. COTTON) for his efforts. The health, welfare, manpower, and poverty issues in our country ought not be the subject of political controversy, and I know Senator COTTON has cooperated wholeheartedly with the chairman of the subcommittee to insure bipartisan support for this legislation.

We are fortunate to have had such dedicated men working to preserve the intent of the Senate in the conference on this act. I had hoped the legislation before us today would be more like the Senate version—for the House version has prevailed on some important matters, affecting health-manpower especially—but the Senate's wishes have prevailed in many vital areas improving the welfare of millions and millions of Americans. My gratitude goes to the chairman and his colleagues for their efforts, and I also wish to express my appreciation to the appropriations subcommittee professional staff member, Harley Dirks, for his cooperation, fairness, and good humor throughout this long process.

I urge all my colleagues to support this conference measure, and I call upon the President to sign the bill immediately to free up the funding logjams besetting HEW, the Labor Department, and OEO.

Mr. FULBRIGHT. Mr. President, I commend the conferees of the Senate for their efforts in conference on the Labor-HEW appropriation bill, H.R. 18515. The health, manpower, and education related programs included in this bill are among the most vital to the well-being of this Nation, and adequate funding for them is absolutely essential if there is going to be a realistic reordering of our national priorities.

While I shall vote for the conference report because of the badly needed programs which it contains, there is one aspect of the conference report which I think is most unfortunate. I refer to the refusal of the House conferees to accept a Senate amendment adding $8.7 million to be used for project grants to be awarded to 35 specific hospitals currently under construction. Under the special language of the Senate these construction grants were to have been made without regard to the provisions of the Public Health Service Act for priority and for allotment of funds by formula among the States.

The reason for these funding deficits which face the involved hospitals is well explained in a letter which I joined other Senators in sending to Chairman MAGNUSON during the Labor-HEW Subcommittee's consideration of this bill. I ask unanimous consent that the letter be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., September 4, 1970.

Hon. WARREN MAGNUSON,
Chairman, Subcommittee on Labor-HEW, Senate Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Thirty-five health facilities in Wisconsin, Oklahoma, New Hampshire, Maryland, Nebraska, Arkansas, North Carolina, Indiana and Kansas have been the accidental victims of a cutback in funding for the Hill-Burton hospital program's modernization activities. Enclosed is a list of the affected projects for your information.

Construction of these facilities was begun as a result of Federal grants and in the belief, supported by a moral commitment by the Federal Government, that additional Federal support would be forthcoming. Without this assistance, construction in all likelihood would not have been undertaken.

These critical projects are now grinding to a halt, at a time of desperate need for expanded health facilities. Funds were not appropriated in fiscal 1970, contractors are not being reimbursed and workers are going without pay.

The Administration has no present plans to provide the $8,703,078 needed now to make these facilities operational. As a result, the substantial amounts already invested are yielding no benefits, only frustration from the local communities involved.

The Labor-HEW Appropriations bill for fiscal 1971, as it passed the House, does not include sufficient Hill-Burton funding to complete these pending projects.

We hope that your Subcommittee will seriously consider an amendment to the bill to provide these funds, to read as follows:

"For an additional amount for grants or loans pursuant to section 601(b) of the Public Health Service Act, for such hospitals and related facilities as are specified for this purpose in the report of the Senate Appropriations Committee, $8,703,078; to be made without regard to the allotments and priority provisions of Title VI of the Public Health Service Act."

We will deeply appreciate anything you can do for these 35 hospitals.

Warm regards.

Sincerely,

WILLIAM PROXMIRE, ROBERT J. DOLE, B. EVERETT JORDAN, HENRY BELLMON, CARL T. CURTIS, JOSEPH D. TYDINGS, THOMAS J. MCINTYRE, GAYLORD NELSON, ROMAN L. HRUSKA, FRED R. HARRIS, CHARLES MCC. MATHIAS, JR., J. W. FULBRIGHT, BIRCH BAYH, JAMES B. PEARSON, VANCE HARTKE.

Mr. FULBRIGHT. I was encouraged, of course, that the subcommittee, full committee, and the Senate acted unanimously in favor of this recommendation. It would have had particular significance to my State of Arkansas, allowing $1.2 million for the continued construction of facilities for the Baptist Medical Center and St. Vincent's Hospital, both in Little Rock. The urgent need for the approval of these funds was expressed in a letter I recently received from Mr. J. A. Gilbreath, executive director of the Baptist Medical Center. I ask unanimous consent that this letter be printed in the RECORD at this point.

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

ARKANSAS BAPTIST
MEDICAL CENTER SYSTEM,
Little Rock, Ark., August 13, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: HR 18515 which has been passed in the House and is now before the Senate drastically curtails hospital construction funds and we feel would definitely be a detriment to Arkansas.

You will recall that the Hill-Burton bill was vetoed by the President some days ago and over-ridden by the House and Senate. This bill actually raised the limitation on hospital construction beyond what it had been previous to 1969. We had great hopes that this firm position of Congress would mean the appropriation bill would restore funds which had been eliminated a year previously.

Last year the appropriation caused Arkansas to have a 35% reduction in funds available for construction. If the bill passes as presented by the House, the same deduction would be made for the current year.

Medicare and other governmental contractual arrangements for the payment of hospital care do not include any allowance for the payment of principal on a loan which might be secured to build hospitals. The argument has been that Hill-Burton is available and therefore the government should not pay twice. Now with Hill-Burton being reduced, we do not see any future for building hospital beds which are so greatly needed.

Specifically, Baptist Medical Center will begin construction the latter part of this year of a new 500-bed hospital. We would have received $1 million a year for three years if funds had remained constant. The '69–'70 appropriation, however, as mentioned above, was cut by 35% and if this present appropriation stands we will again suffer this same loss.

We would certainly appreciate your giving consideration to helping our state and this hospital by restoring funds to the level they have been in the past.

Sincerely,

J. A. GILBREATH,
Executive Director.

Mr. FULBRIGHT. Mr. President, in view of the Senate's overwhelming support for this amendment, it is most regrettable that the House did not see fit to accept it in conference. I believe this action is further evidence of our failure to recognize what is really important to our own people, and it is my hope that the new Congress will give these critical domestic needs the attention they deserve.

Mr. MAGNUSON. Mr. President, I move adoption of the conference report. I believe that the yeas and nays have been ordered.

The PRESIDING OFFICER (Mr. STEVENSON). The question is on agreeing to the motion of the Senator from Washington (Mr. MAGNUSON), on adoption of the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), the Senator from Alabama (Mr. ALLEN), and the Senator from South Carolina (Mr. HOLLINGS), are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Mexico (Mr. MONTOYA), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), and the Senator from South Carolina (Mr. THURMOND), are 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 Utah (Mr. BENNETT), and the Senator from Pennsylvania (Mr. SCOTT), are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 458 Leg.]

YEAS—69

Aiken	Gore	Nelson
Allott	Gravel	Packwood
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bible	Hartke	Percy
Boggs	Holland	Prouty
Brooke	Hughes	Proxmire
Byrd, Va.	Jackson	Randolph
Byrd, W. Va.	Javits	Ribicoff
Case	Jordan, N.C.	Saxbe
Church	Jordan, Idaho	Schweiker
Cook	Kennedy	Smith
Cooper	Magnuson	Sparkman
Cotton	Mathias	Spong
Cranston	McClellan	Stevens
Curtis	McGee	Stevenson
Dole	McGovern	Talmadge
Ellender	Metcalf	Williams, N.J.
Ervin	Miller	Williams, Del.
Fannin	Mondale	Yarborough
Fulbright	Moss	Young, N. Dak.
Goodell	Muskie	Young, Ohio

NAYS—0

NOT VOTING—31

Allen	Harris	Mundt
Anderson	Hart	Murphy
Bennett	Hatfield	Russell
Burdick	Hollings	Scott
Cannon	Hruska	Stennis
Dodd	Inouye	Symington
Dominick	Long	Thurmond
Eagleton	Mansfield	Tower
Eastland	McCarthy	Tydings
Fong	McIntyre	
Goldwater	Montoya	

So the motion to adopt the conference report was agreed to.

The PRESIDING OFFICER. The clerk will read the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows:

Strike out "$1,546,694,000" proposed by said amendment, and insert: "$1,504,794,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment, as follows:

Strike out "$90,399,000" proposed by said amendment, and insert: "$89,549,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, $5,917,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum of "$22,500,000" proposed in said amendment, insert: "$20,000,000".

In lieu of the sum of "$5,000,000" proposed in said amendment, insert: "$3,000,000".

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments numbered 1, 8, 59, and 66.

The PRESIDING OFFICER. The queston is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, it should be said that this is a very important bill to every American. It covers every phase and many facets of our goals and priorities. While Senators who were present today voted unanimously for the conference report, I want the RECORD to show that many Senators who would have been present if they could have been would have voted "yea." I particularly want the RECORD to show that the leadership was not lacking in this matter, because they had a very important conference at the White House. I hope nobody will take their absence in voting on this important bill as any indication that they are not supporting it.

Mr. HOLLAND. Mr. President, before we leave this bill, may I express, as a member of the committee, my own deep appreciation and that of other members

who are not the leaders in it to the Senator from Washington and the Senator from New Hampshire for the very fine leadership they have displayed in this matter. It has been difficult as they have endeavored to meet objections raised by the Executive in his earlier veto. I compliment and congratulate them. They have done a fine job.

Mr. PERCY. Mr. President, I wish to comment today on only one item of this $18,969,400,000 Labor, Health and Welfare appropriation bill which, while it is small, is of special importance to me and the country since it affects large numbers of disabled people in Illinois and throughout the Midwest who would be benefited by it and the hundreds of thousands of physically handicapped who will benefit by the $1,750,000 that has been authorized in this bill for a rehabilitation center.

The bill as reported by the conferees contains funds in the amount of $1,750,000 for grants to construct rehabilitation facilities under section 12 of the Vocational Rehabilitation Act. This is a direct result of action taken on the Senate floor last month, which provided $3,500,000 for this purpose. The House bill contained no funds for this activity.

It is my understanding that these funds are to be available specifically for a new rehabilitation research and training center at the Rehabilitation Institute of Chicago under the able direction of Dr. Henry Betts and one of the most inspired and dedicated staffs, and board in the country. Although the amount of this appropriation is less than was requested, and although it is less than that which will be required for the next stage of the project, the funds are sufficient to enable the project to proceed. When completed—and, I am confident the Senate and House will continue to support the project—the new center will provide our Midwest area with an institution of excellence for research into the problems of severe disability, and will train greater numbers of professionals in rehabilitation. In the process, many more seriously disabled people in Illinois and the Midwest will have the benefit of these highly specialized services.

Mr. President, there are a number of my colleagues who are responsible for the inclusion of these funds in the bill. I would like to thank the Senator from Ohio (Mr. SAXBE) for offering the amendment in my behalf and the chairman of the Senate subcommittee, the distinguished Senator from Washington (Mr. MAGNUSON) for what he and his associates have done to assure that at least this much funding will be available despite no provision being made in the House bill. I am also particularly grateful for the splendid work of the ranking minority member of the subcommittee, the distinguished Senator from New Hampshire (Mr. COTTON), who graciously agreed to introduce amendment No. 1069 on the Senate floor when I was absent on Senate business. I believe that the people of Illinois and the Midwest owe a debt of gratitude to these men.

Without the assistance and help of the distinguished Senator from Washington (Mr. MAGNUSON) and my colleague from New Hampshire (Mr. COTTON), this would not have been possible, because there was no provision or appropriation in the House bill and it was only because it was in the Senate bill and was won in conference that this rehabilitation center can proceed.

It is hoped that Dr. Henry Betz, who is one of the most distinguished individuals in the field of rehabilitation in the country, if not the world—and this institution has a wholly dedicated board of directors—will be able to proceed. Even though it is not the amount they hoped to have, which exceeded $3 million, it is enough to get the project underway.

I am absolutely confident that when the Senate and the House fully understand the scope of the work of the research center and rehabilitation center for the Midwest, they will continue it and provide further financing and perhaps adequate funds in the future.

Mr. MAGNUSON. Mr. President, I appreciate the Senator's remarks. The Senator from New Hampshire, I, and other members of the committee are well aware of what might be called the pilot operation there. We hope it may be used as an example for doing the same thing in other places. We hope that in next year's budget, we can expand the funding, but the so-called Chicago project has been hailed by everybody in this field as a great project. We would like to have had more money, but the action taken in conference has not hurt it. I perhaps should not say this, but it was in the spirit of compromise in conference.

Mr. COTTON. Mr. President, it was my privilege, because of the unavoidable absence on official business of the Senator from Illinois (Mr. PERCY), and at his request, when the bill was passing through the Senate, to offer on his behalf this amendment, which is so important not only to Chicago and vicinity, but so important as a pioneering enterprise.

I was very happy that it was accepted in the Senate. As the chairman, the Senator from Washington, has well said, we had to give all along the line to some extent in conference with the House, but we saved enough of it to start the project, and I think the Senator from Illinois will find that both the Senator from New Hampshire and the Senator from Washington, who will be both spared and charged with the duty next year, will be most sympathetic.

Mr. PERCY. I thank my distinguished colleagues. I would like to make one final comment. I really look on this as a tremendous return on investment. I have had some experience in this field. Years ago, when I was addressing a national conference for the handicapped, I asked why I was singled out to do that, and I was told that my company had one of the highest ratios for hiring physically handicapped in relation to our total employment. I did not realize it at the time, but 5 percent of our thousands of employees were in some way physically handicapped. We found them to be most conscientious, having the best attendance records and being the highest quality workmen and women we had throughout our enterprise.

When we can in this institution do research which will benefit handicapped people all over the world, and particularly in our own country, finding ways to rehabilitate the disabled and make them useful citizens, this is the right way to do it and the right way to invest funds.

I once again wish to thank my colleagues.

Mr. MAGNUSON. A great proportion of our handicapped people do a fine job in difficult tasks.

Mr. PERCY. I agree.

Mr. MAGNUSON. A great proportion.

Mr. PERCY. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 1181. An act to provide authority for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes;

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception; and

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending, June 30, 1971, and for other purposes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on December 29, 1970 the President had approved and signed the act (S. 2193) 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 and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to the requirements of the Trade Expansion Act of 1962, I transmit herewith the Fourteenth Annual Report on the Trade Agreements Program. This report covers the year 1969.

Stimulated by continued economic expansion, free-world trade in 1969 rose 14 percent to a new record of about $245 billion. In the United States, monetary and fiscal policies designed to restore stable and balanced growth of the economy were reflected in a slowdown of the increase in imports, while exports continued to rise at about the same rate as in 1968. As a result, the deterioration in the U.S. trade balance that had characterized performance during the previous four years was reversed.

During the period covered by this report, I forwarded to the Congress my proposals for new trade legislation. These proposals, together with others, are still under consideration. The decisions taken by the Congress will have an important hearing on our ability to advance our national interest, both in terms of sound growth of the domestic economy and further development of international cooperation so that trade can continue to be an engine of progress rather than a source of conflict among nations.

This Administration remains committed to the objective of expanding mutually advantageous world trade. The record of the United States demonstrates clearly its willingness to assume its obligations in this field. We must continue to do our part, while at the same time defending vigorously the rights of our traders under international agreements.

The economic and political dynamics of the 1970s will enhance the importance of trade in relations among nations. In 1969, part of the essential groundwork was initiated; the Commission on International Trade and Investment Policy is currently examining new approaches tailored to our long term domestic and foreign policy interests. With Congressional support for policies aimed at securing a more open world trading system, I am confident that the United States will reap its full share of the benefits from closer international cooperation to achieve greater prosperity and better relations throughout the world.

RICHARD NIXON.

THE WHITE HOUSE, *December 30, 1970.*

EMERGENCY RAIL SERVICES ACT OF 1970

Mr. HARTKE. Mr. President, the measure we are going to deal with at this time is the Emergency Rail Services Act of 1970.

I have urged my colleagues to support S. 4595, which has been reported favorably by the Committee on Commerce. As chairman of that committee's Surface Transportation Subcommittee, I have become familiar with the Penn Central's problem—in fact, those of the entire rail industry. They have unfolded in a rather peculiar fashion; I think we have not seen the end of their difficulties; I think everyone who has had the slightest contact with the problems of the railroads understands quite honestly that we are not at the end, that we are only at the beginning.

Unfortunately, the sad time has come for us to arm the Federal Government with authority to shore up bankrupt railroads when necessary to preserve the essential rail transportation services upon which our Nation depends.

Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1526, H.R. 19953.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19953) to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

Mr. HARTKE. Mr. President, H.R. 19953 is except for technical differences identical to S. 4595, the bill approved by the Commerce Committee. H.R. 19953 has been approved by the House of Representatives. Like many of my colleagues I am reluctant to further involve the Government in financial assistance to private business. Once we provide assistance to one company or one industry, we will be under increasing pressure to assist others.

No one is more hesistant than I to open the doors of the public Treasury to private business. But I do not believe that H.R. 19953 must inevitably result in an open-door policy at the Treasury.

Let me emphasize that the situation of the Penn Central today is very different from that of last spring. And the solution proposed by the legislation before us today is very different from the solution proposed by the administration last spring.

The administration would have helped the Penn Central stay out of reorganization. It would have used the Government's credit—under its bill, S. 4011—to protect the management of the corporation and the interests of its stockholders, banks, and other creditors.

I opposed the administration's proposals. There was no need to keep the old operation in existence. A section of the Bankruptcy Act, applicable only to railroads, permits continued provision of rail services while reorganizing the road's jumbled finances and unsuccessful operations. Any threat to the national interest comes not from the failure of a corporation but rather from cessation of essential rail services. Thus, Federal assistance was not necessary last spring. The Penn Central could, and did, go into reorganization and suspend payment of its obligations. That action permitted it to continue unaided for 6 months.

Today, the railroad is in the hands of trustees—not the management that was, in part at least, responsible for its collapse. The trustees, supervised by the court and also by the ICC, are trying to reorganize the railroad so that it will become a healthy operation, capable of serving the public's transportation needs. They do not have the incentive to protect past corporate policies and decisions that management would have had.

Any assistance the Government might provide now would go to preservation of the railroad's operations, not to protection of its stockholders or to bailing out creditor banks. Assistance today saves railroad service, not the existence of a bankrupt corporation.

Finally, if a railroad in reorganization cannot obtain private assistance, there appears to be no other way to keep the railroad in operation except through Government corporation.

The administration's bill last Spring was broadly drawn: it left in the Secretary's discretion and judgment the decisions as to which roads to assist and how to protect the Government's interest.

The bill before us, H.R. 19953, is narrowly drawn. It restricts assistance to roads in reorganization, about to shut down, and with no other resources to draw upon. It restricts assistance to those roads whose cessation of service would endanger the public welfare. Further, H.R. 19953 places restrictions on the use of funds and it provides the highest priority for the Government's security interest in the railroad's property. Thus, it clearly limits assistance to those cases where assistance is necessary to presreve essential rail services.

Let me emphasize, however, that H.R. 19953 does not of itself provide money to any railroad. By passing this bill, Congress does not advance money or guarantee a loan to any railroad. It simply provides authority to guarantee private loans when certain stringent conditions are met.

Although the committee agreed that some action was necessary, there were differences of opinion on the form of action.

I would have preferred authorization of direct loans from the Government rather than the loan guarantee approach. From the public's standpoint, the direct loan approach is superior in almost every way. The Government could offer a lower rate of interest on a direct loan than would private lenders even where the Government guarantees the loan. A direct loan would yield to the Government and the taxpayer some return in exchange for the risk being assumed by the Government. A loan guarantee, on the other hand, gives the return to the private lender while the Government still stands the risk. Further, if the Government loans the money directly, it would clearly have a free hand to set the terms and conditions of the loan and to supervise the use of the moneys

very closely without having to be concerned with a third-party interest.

In any event, in the case of a railroad which does default—and admittedly the risk is much higher with railroads in the poor financial condition contemplated by this bill—the guarantee simply masks what in reality is a direct loan.

Finally, too many financial institutions have benefited already from the plight of the railroads. I would rather preclude any others from benefiting further from conditions for which they are not entirely blameless.

Others in committee raised the question about whether this action by the Congress would provide a precedent for future Federal financial assistance. I would oppose any action which I thought would provide such a precedent. But in my view, if there is a precedent it has already been established by title V of the Interstate Commerce Act which is not nearly so restrictive as H.R. 19953. This measure is much narrower than title V and much narrower than the substitute offered in committee by the ranking minority member, the Senator from New Hampshire (Mr. COTTON). If the Congress is to set a precedent—and I do not believe we are in this instance—then I believe our action should apply to as few private corporations as possible. This we have attempted to do with H.R. 19953.

I withdrew my insistence on the direct loan approach in order to facilitate action on a measure. The committee reported out a bill nearly identical to the bill reported by the House Interstate and Foreign Commerce Committee. The bills did not differ greatly and the committee desired to avoid a conference—for which there might not be time in these waning hours—if we could. Therefore, I urge your support for the bill as reported, so that the Senate will have fulfilled its duty in assuring preservation of the Nation's transportation system.

As a footnote to my remarks, I would like to warn my colleagues that the report contains typographical and other errors. Even though a star print was made, errors still exist. Most are innocuous, but one should be pointed out. The first sentence of subsection 3(c), on page 7, should read:

The (Commission) Secretary shall not (make any) guarantee (or purchase) any certificate unless the certificate is treated as an expense of administration and receives the highest (possible) lien on the railroad's property and priority in payment under the Bankruptcy Act.

Mr. COTTON. Mr. President, in order to establish the legislative history on this troublesome subject, I think the record should be made clear. The bill, S. 4595, reported by the Committee on Commerce, is, as the Senator from Indiana has already indicated, almost identical to that now under consideration, H.R. 19953, which passed the House.

Insofar as concerns S. 4595, I and two other members of the Senate Commerce Committee filed minority views. I am not attempting to speak for the other two Senators, but I would like to make my position on the bill very clear.

Mr. President, the purpose of the bill now under consideration is to provide financial assistance through Federal guarantees of loans for certain railroads undergoing reorganization under the Bankruptcy Act. Although not specifically named in the legislation, let there be no mistake that the transportation system which this measure principally is designed to relieve is the Penn Central, serving critically important centers in the Northeast.

I have no quarrel whatsoever with the objective of this bill. Let me make that point clear at the very outset. The problem this measure is intended to meet is urgent and it is serious. Unless something is done now, there is a clear threat to the public welfare. We should not adjourn this Congress without acting, faced as we are with the prospect of the collapse of the Nation's largest rail carrier within the next few weeks. It is a prospect, Mr. President, which we, the Congress, aggravated recently by mandating increased wage costs in barring the then pending railroad strike by the Act of December 10, 1970, Public Law 91–541.

Mr. President, I spoke and voted against that earlier action. I felt that the Congress was inviting disaster and establishing a terribly dangerous precedent by passing on the merits of certain matters over which the prospective strike was to be held. However, Congress saw fit to assume that responsibility.

Congress voted the back pay for the railway employees and an increase in their pay from the time of the action of the Congress, out of the pockets of the railroad at issue here—the Penn Central—and others. As a result, we deliberately forced some $70 million of added liability upon the Penn Central.

We, therefore—and by "we" I mean Congress—have a moral obligation to provide some relief. My quarrel is with the form of the relief proposed in the pending measure and the conditions under which this form is being proposed.

What troubles me is this precipitous legislative action in the closing days of the 91st Congress and the seed it plants for a precedent in the future for similar Federal intervention to "bail out" ailing business enterprises. Note that I do not confine that statement to railroads. I say, "ailing business enterprises." We should not, in my opinion, start down this path without first giving full consideration to the most basic policy issue.

It was for this reason that in our Committee on Commerce I offered a simple, one-page substitute bill which, unfortunately from my point of view, was not adopted. It would have accomplished the same objective as the committee's reported measure but without the elaborate mechanism giving credence to the very precedent that we seek to avoid. My proposal would have made it abundantly clear that this was action of an emergency and interim nature to tide us over the period between the adjournment of this Congress and the reconvening of the next. Most importantly, it would have terminated the authority of the Secretary of Transportation to guarantee loans or make direct loans at midnight on March 31, 1971. It also would have further limited the action in the following manner.

First. It would have applied only to railroads undergoing reorganization under the Bankruptcy Act on or before December 18, the date of the committee's action, thereby preventing others from taking possible undue advantage of the legislation;

Second. The amounts of the Federal loan or guarantee would have been limited to the increased wage costs which we in the Congress legislated in Public Law 91–541, plus prevailing interest to cover such loans; and

Third. It would have had an overall ceiling of $125 million.

All other protections would have been required to have been made by the Secretary of Transportation in lieu of the elaborate scheme now under consideration. In other words, it would have met the problem at hand—no more and no less.

It would have avoided for the present the determination of the long-range policy, which perhaps could lead even to Government ownership and operation of the railroad or a long, expensive system of loans that could cost the taxpayers of this country many billions of dollars.

In summary, Mr. President; yes, there is a need for prompt action on the part of the Congress to meet this impending threat to the public interest. No, the bill now under consideration is not, in my opinion, the most appropriate way of meeting that need. Rather, we should take time to do only what is necessary to resolve the immediate problem. Then, under less hectic conditions than now prevail, we should undertake at the beginning of the 92d Congress to thoroughly examine the issue and to develop a fitting solution. We here are taking the easy route of making a transfusion of Federal guarantees which, upon default, means taxpayers' funds from the Federal Treasury. Mr. President, I believe the American people are deserving of more, especially from a committee of the Congress which has championed the interests of the consumers of this Nation, all of whom are taxpayers.

Mr. President, as a practical matter—let me be perfectly frank with my colleagues in the Senate—the distinguished Senator from Indiana (Mr. HARTKE) is performing a public service as chairman of the Surface Transportation Subcommittee in bringing this matter before the Senate before we adjourn.

I happen to disagree with this method for reasons that I have explained. However, it hardly fulfills the obligations of the Senate to simply take the position that it is too late for a conference and too late for adequate consideration of any changes. Speaking for myself, I recognize as a practical matter that if we substitute some other bill, such as the one the Senator from New Hampshire is offering, and send it to the House for conference, we run the risk of getting no bill at all.

Mr. President, I, therefore, feel obligated by my own strong feeling and my own conscience on this matter to offer here on the floor of the Senate, as I did in the Commerce Committee, the one-page amendment in the form of a substitute.

I offer this amendment but I shall not ask for a RECORD vote. I am content to have a voice vote on it. I offer it because I believe it is the proper and safe way of meeting this situation, and because I cannot conscientiously go on record for the bill now under consideration which is almost identical to that which our committee has reported.

Mr. President, I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"That on December 10, 1970 the Congress passed and the President approved Public Law 91-541 which required the payment of increased wages for railroad employees including a retroactive lump sum payment for the year 1970. The purpose of this Act is to authorize the Secretary of Transportation (hereafter referred to as 'Secretary') to provide necessary temporary financial assistance to a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), to enable it to meet such statutorily increased wage costs and thereby permit its continued operation.

"SEC. 2. (a) The Secretary is hereby authorized to guarantee or to purchase certificates upon application from the trustees of any railroad, subject to Part I of the Interstate Commerce Act (49 U.S.C. 1-27), undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), on or before December 18, 1970, with approval of the court, up to an amount not exceeding the increased cost (plus interest at the prevailing rate) required to be borne by such railroad through March 31, 1971 as a result of the enactment of the Act of December 10, 1970 (Public Law 91-541).

"(b) The Secretary shall prescribe such requirements as he deems necessary to protect the interests of the United States.

"SEC. 3. In no event shall the aggregate principal amount of all certificates guaranteed or purchased by the Secretary under the authority of this Act outstanding at any one time exceed $125,000,000.

"SEC. 4. The authority of the Secretary under the provisions of this Act shall terminate at midnight on March 31, 1971."

Amend the title to read a bill to authorize the Secretary of Transportation to provide necessary temporary financial assistance to a railroad in reorganization.

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

Mr. HARTKE. I yield.

Mr. PASTORE. Mr. President, first, I wish to say I appreciate the sincerity of my good friend from New Hampshire in proposing this amendment. It deals with only part of the problem, I must say. The real problem we are confronted with is a much broader problem. I am going to support the bill as reported by the committee. I want to say in full honesty I do it with my tongue in my cheek. I am not doing it for the Penn Central at all.

There is no question in my mind that there has been bad management throughout. I participated in the hearings; I said so then, and I repeat it on the floor now. I think there was a clash of personalities between the former heads of the New York Central and the Pennsylvania Railroad. They never got along with one another, and then they indulged in many other financial enterprises that blew up in their faces. The situation got to the point where the officials did not know how many companies they were interested in. It was a sloppy, sloppy piece of business throughout. There is no question about it.

But that is not the problem confronting us now. It is not the problem that confronted the committee, and it is not the problem that confronts the Senate this afternoon. The problem is, What are you going to do in this country if the railroads stop running? They are going to run out of cash in a couple of weeks, and there is no question about that. If the railroads were not under the jurisdiction of the court and being run by the trustees, I would be against the bill. I would not give a wooden nickel to either the Pennsylvania Railroad or the New York Central Railroad. But that is not the question here.

The trustees have been appointed by the court and we have to make up our minds that something needs to be done if these railroads are going to run. It strikes me that we either do this or you are going to take the railroads over in the public interest and nationalize them. I think it is too soon to consider that. We are one of the few countries in the world that I know of, and maybe the only country, that has not nationalized its railroads. I would regret very much to see this go out of the hands of free enterprise at this moment. Maybe the day will come when we will have to do it. But for the moment if we expect the railroads to run in this country, we have to do something and do it right away.

This bill would allow them to borrow money with governmental guarantee, under the jurisdiction of the Secretary of Transportation. It is the only immediate solution we have. The trustees who have been appointed by the court are very reputable people, men of wide experience, men of acumen and good business judgment. They have appealed to me, and I have heard from my governor and the mayors of the various cities and towns in my State who realize what repercussions there will be if we do not do something and do it immediately. For that reason I say this legislation is a must. I hope Senators understand that.

This is not a gift or a handout to the Pennsylvania Railroad, or the New York Central Railroad, or the combine. This is helping the trustees to carry out the directive of the courts to keep our railroads running until we can do something on a permanent level.

I hope the bill passes and that the Senator's amendment is rejected, because all the amendment would do would be to limit the pay raise decreed by the Senate when we eliminated the strike and allowed them to increase wages of their workers. That is not enough; it would take care of only a part of it. The big question is to keep the railroads running.

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

Mr. PASTORE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator from Rhode Island said it was not a handout. I am not a member of the committee. I would like to ask a question. What are the priorities of this loan? Will it take precedence over existing obligations of the railroad? Will it be a prior lien on the assets of the railroad?

Mr. PASTORE. I understand it does.

Mr. HARTKE. This becomes the priority loan—No. 1.

Mr. FULBRIGHT. Against all assets?

Mr. HARTKE. Against all assets.

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

Mr. HARTKE. I yield.

Mr. PROUTY. With the exception of equipment.

Mr. HARTKE. Yes, with the exception of equipment obligations as set forth in section 3(c) of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. FULBRIGHT. Mr. President, I wanted to ask a number of questions. That was my first question.

The Senator made reference to either doing this or nationalization. In all countries that I know of, and certainly the industrialized countries, railroads are either completely nationalized, or in such countries as Canada and Japan, both private and national railroads are in operation.

Mr. PASTORE. The Senator is correct.

Mr. FULBRIGHT. I believe we have 29 railroads in bad condition, very shaky condition, and five in receivership. I do not want to be held to the exact numbers, but there are approximately that many. So this is not a unique case. If we start to give out loans that may or may not be repayable, I do not know how we can resist the others coming in, not to mention the airlines. I read in the morning newspapers that some of our major airlines are losing a great deal of money; and if we undertake this method of subsidizing inefficient management there may be no end to it.

But if we go the other way—the Senator mentioned it, but he did not recommend it at this time—it might not lead down that road. I would hate to see other businesses in bad shape nationalized, but railroads are in a unique situation. Germany, France, Italy, Spain, and countries like that have their railroads nationalized. While I have not been there for some time, when I was there they used to run good railroads—good for the passengers and for the country.

Mr. PASTORE. Some Senators say, "I am not opposed to nationalization." I have not said that. All I have said is that this is an immediate problem, demanding an immediate solution, which I feel and hope is a temporary solution. I hope we do not get into it in too big a way, because if by indirection the Government has to pay too big a load, then the Government ought to take it over as a Government enterprise. But there is an immediate need to do something. Unless we do something about the situation, I understand they are going to run out of cash in the early part of next month. The moment that happens the railroads will come to a stop. In our industrialized complex, we cannot allow that to happen.

So this is an immediate problem. I think our committee ought to go into the question very deeply. When we talk about nationalization, that is a complex problem that really requires extensive hearings and prolonged debate, because we ought to make sure we were doing the right thing; but we ought to do that as a last resort.

Mr. FULBRIGHT. In view of the fact that we have a conference report which will be before the Senate on the SST and which requires a considerable sum of money, I wonder if it would not be wise to substitute the money provided for the SST for this purpose. In that way we could solve two problems.

Mr. PASTORE. That is fine. That is why we put BILL PROXMIRE on the conference committee. Maybe he will be able to do it. I have not been able to do it, but maybe BILL PROXMIRE will.

Mr. FULBRIGHT. That would be a solution. If funds for the SST were taken out of that bill and put into this bill, I would support it.

Mr. COOK. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, it is all very interesting when we say this may nationalize or may forestall nationalization. However, after a great deal of consideration on my part—because I participated in the discussions as a member of the Commerce Committee when the distinguished Senator's amendment was discussed, and I must say I have now come to the conclusion that we are really taking the first basic step toward nationalization, anyway.

The reason why I say that is simple. This is an economic professor's dream. Anybody who teaches economics in the future will look at this and say it is example No. 1 of how a legislative body created its own economic demand, because this bill provides, under section 3(b), "The proceeds of the sale of certificates guaranteed under this act will be used solely for meeting payrolls and other expenses."

Why do we have an increased payroll? Because the Congress of the United States voted one. Why are we now considering a bill to guarantee up to $125 million? Because the Congress of the United States guaranteed a wage increase of 13.5 percent.

That is what we are talking about. If that is not the first step in nationalization, one does not have to prove any other steps. The Federal Government took the first step toward nationalization of the railroads with the pay increase, and now is taking another step with a loan guarantee to meet that increase.

Mr. PASTORE. Mr. President, will the Senator yield? Why did we take that step? Because if we had not taken that step granting a 13.5-percent increase, the employees would have struck and the railroads would have stopped. In the national interest, that could not happen. We forbade them from striking, but at the same time we softened the blow by granting the minimum amount recommended by the President's Commission.

Mr. COOK. But, remember, we did this for every railroad in the United States, not just for the Penn Central Railroad, which is in receivership. We did it for every railroad in the United States.

Mr. PASTORE. That is right.

Mr. COOK. I would remind the Senator from Rhode Island that although we appointed trustees to run the railroad, although under chapter 77 the railroad is in the Federal courts, and although the trustees have been appointed under chapter 77, one thing the trustees are restricted from doing is to fail to give their employees any raise that is given throughout the railroad industry in the country. So even under chapter 77, if a wage increase is allowed throughout our country, the bankrupt railroad has to give its employees the raise.

Mr. PASTORE. But the courts could change that.

Mr. COOK. If I might suggest that while all the railroads which are to be helped are included, none of them come under the $125 million, unless they are coming in under the trusteeship, because the trustees are not allowed to run the railroads in the best interests of the trusteeship and are not allowed to get it out of bankruptcy.

Mr. PASTORE. I would not agree with that statement. I should think the trustees are appointed to do a good job. Is the Senator telling me they are appointed to do a bad job?

Mr. COOK. May I say that the Senator from Rhode Island misses my point completely.

Mr. PASTORE. No, I do not miss the Senator's point completely.

Mr. COOK. The Senator does, because his answer indicates it.

Mr. PASTORE. Well, say it again.

Mr. COOK. The trustees are authorized to run the railroad. But, if an industry-wide increase is given to the workers, the trustees have to take that increase whether they like it or not, and that will make the railroad go into deeper and deeper debt.

The trustees did not say, "We are sorry; we cannot give the increase." Under chapter 77, they would ordinarily deny it. However, we voted a 13½-percent increase, and we are now going to give the Penn Central Railroad money to pay for that 13½-percent increase.

If that is not the first step toward nationalization, I do not know what is.

The point I am trying to make, with all due respect—and I think the Senator from Vermont may in many ways agree with me—is that what we are really doing is making up for one problem we created a week or so ago, on December 10, and we are now solving that problem. It includes a loan not to exceed $125 million.

I know I have been in discussions with the distinguished Senator from Indiana and the distinguished Senator from Vermont on this point, but when one reflects on it, the main argument today is the inflationary spiral. It seems to me when we limit it the only reason we are going to guarantee the ability of the Penn Central to borrow money is to meet the payroll. The reason we are allowing them to borrow the money to meet the payroll is because of actions we took on December 10, by which we increased the wages of all railroad employees, and particularly those railroads in reorganization, to the tune of 13.5 percent.

We also say that although by reason of the Bankruptcy Act, trustees are appointed, we have said to them, "You can run the railroad, you can make it function, you can make it viable, but one thing we are not going to allow you to do: We are not going to allow you to tell your employees that they cannot get a raise, even though you are broke, and even though you are in bankruptcy, if the railroadwide industry is allowed that increase."

So what we have done is, we first took away that power from the trustees when we created the Bankruptcy Act, under chapter 77. Then we gave that 13½-percent wage increase, and we are now paying for that increase.

If that is not the first and greatest step toward nationalization of the railroad system, I do not know what it is.

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

Mr. COOK. I yield.

Mr. HARTKE. Let me say first there are Senators who might feel that nationalization is preferable to a loan or anything else.

Mr. COOK. I realize that.

Mr. HARTKE. But the wage question is a false issue. The difficulty the Penn Central is experiencing did not occur by reason of the action of Congress. The difficulty with the Penn Central has been in the making for a long time.

It is not the only railroad in trouble. I requested the Interstate Commerce Commission to give us a report of the railroads which could possibly qualify under the legislation which the administration had proposed early this year. There were some 16 major railroads which could have benefited.

I presume the railroad representatives have been talking to the Senator every day, as they have been to every other Senator, telling us that they cannot survive, not because of the wage increase alone, but because of other factors, the unavailability of cash, the tight money situation, the slowing down of the economy. That is why I disagree with what the Senator from New Hampshire proposes to do. He proposes to put the blame strictly on Congress.

After all, I stand in better shape than some other Members of the Senate, because I was one, as was the Senator from New Hampshire, who voted against that legislation. Congress as a body must assume some responsibility for the wage increase, but I am not personally committed to that proposition. I thought it was bad legislation.

But that is not the trouble here. It has nothing to do with anything whatsoever except that it has hastened the day when the Penn Central Railroad might have to cease operating. I am concerned about the continued provision of transportation service to the people. According to the best information we have, that railroad will cease to serve the people on January 8, and, God and the President willing, we the Congress shall not be here.

Mr. COOK. Let me say to the Senator that I agree with almost everything he

says, except when he says it is a false issue, because I am not trying to blame anyone. I voted against the conference report on that act at 5 minutes after 1 myself; so it is not a matter of my trying to blame anyone. When we say God only knows we are not trying to nationalize the railroads——

Mr. HARTKE. I did not say that.

Mr. COOK. I know the Senator did not. I am only saying that the remark is in the RECORD. I am only saying that when Congress gives a raise, and has to extend a guaranteed loan to the railroad to enable it to meet our prior actions, then we are already going down that road of nationalization.

I might say, in all fairness, we have had some railroads that have been in and out of reorganization since the late 1930's. The New York, New Haven & Hartford is one of them. The only thing we can say is that if we are moving in that direction in the eastern quarter of the United States, as the distinguished ranking minority member on our Commerce Committee has said all along, let us come up with a program to solve this problem.

Mr. HARTKE. May I say to the Senator that I am not delighted to be in this position. As the Senator from New Hampshire well knows, I would be more than willing to pass this task along to any Republican Member of this body, to stand here and do battle in behalf of the administration.

But this is not a precedent, any more than section V of the Interstate Commerce Act, wherein we provided for loan guarantees. There are outstanding loans from the Federal Government now, so this is nothing new.

Let me discuss for a moment the matter of reorganization. A railroad is a semipublic or quasi-public corporation to begin with. Those in reorganization lose their quasi-public position, and they become no longer private organizations, but instruments of the public, by virtue of the Federal court's assuming jurisdiction. The trustees are no longer responsible to the stockholders and the directors exclusively; they are responsible only to the court, and the court, in turn, is responsible to the public. The railroad can no longer be considered as having a private status.

Mr. COOK. The trustees have no right to refuse any nationwide wage increase affecting the industry as a whole.

Mr. HARTKE. Only because Congress itself changed the rules.

Mr. COOK. That is correct.

Mr. HARTKE. But Congress has the authority and the right to change the rules. Sometimes it ought to change the rules faster. Let me say to the Senator that in the meeting I had the day before with the Rail Passenger Corporation incorporators, I asked the labor official who is one of the incorporators if any progress was being made to alleviate or obviate any further last-minute action on February 28 at midnight, to avert the next strike. I was informed that there has been one meeting. There is no planning, no action, no negotiation, nothing being done in this Nation to avert that next strike.

That is the problem. It is lack of planning. That should be done. But this should not keep us from doing what is necessary to keep the railroads going.

I do not think the Senator from New Hampshire and I are so far apart, really, other than in our reasons for regretting the fact that we have to come before the Senate at this time. We regret having to take any action. But we agree that some kind of action is going to have to be taken. On those two points we agree.

But I say that the problem we face will require a lot of thinking and praying by the best brains this country has, or we will have a total collapse of our transportation system.

Mr. COOK. May I say, Mr. President, I agree that it is not new for the Congress of the United States to guarantee loans for the railroads. This authority has been vested in the ICC for some time. It has not had this kind of restrictions, but the authority has been there.

The day that the Penn Central went into receivership, a major bank, in behalf of itself and many other banks, notified the Interstate Commerce Commission that it was calling on it to pay some $20 million on a defunct loan guaranteed by the Commission to the Penn Central.

So this is nothing new. The point I am making about this is that this bill provides that the first priority shall be the payment of wages. The reason that provision was necessary was because of the action of Congress on December 10. That itself is the greatest link in building the chain of inflation that the Congress of the United States could ever forge.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CASE. Mr. President, would the Senator from Tennessee yield to me, so that I may propound a question on one point to the manager of the bill?

Mr. BAKER. I am happy to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, questions have been raised in regard to the status or possible status of the New Jersey Central Railroad under the bill, a matter of great importance to the State of New Jersey and I think to Pennsylvania also, and perhaps going beyond that.

Would the manager of the bill, the distinguished Senator from Indiana, give his understanding as to whether the Jersey Central Railroad would be eligible to apply for assistance under the bill, if it passes and becomes law?

Mr. HARTKE. Yes, the New Jersey Central Railroad would be eligible to apply. It is a railroad which is in reorganization. It is not automatically granted a loan; the Department of Transportation would have to make a determination of the facts. The railroad would have to meet the criteria set forth in the bill.

Mr. CASE. I thank my colleague for that explanation.

Mr. BAKER. Mr. President, I wish to commend the distinguished Senator from Indiana, the distinguished Senator from Kentucky, and the distinguished Senator from New Hampshire for taking an objective and intelligent approach to a difficult, complex, and frustrating situation. I have listened to the colloquy thus far, and I think I would be remiss in not pointing out, as the Senator from Rhode Island pointed out in his contribution to the colloquy, that we have an almost impossible situation to cope with it at this time, but we also have a concurrent obligation to the country to see that our frustrations are not paid for by closing down a basic transportation artery of the country.

I wish to say that in supporting the committee—and I am a member of the committee—and supporting the distinguished ranking member of the committee, the Senator from New Hampshire (Mr. COTTON), and supporting, now, the passage of this measure as I do, and the subcommittee and the committee chairmen in their efforts in that respect, I still concur with them that we have the biggest part of the job still ahead of us. We have the national debate on nationalization, or some variation thereof—and I am still hopeful that something other than nationalization can accomplish the national purpose.

But I caution against going too far into that debate at this time, because the real situation is this, as briefly as I can put it: As a result of the accumulated errors of management, force of circumstance, poor regulation, economic circumstance, and others, as a result of a wage increase that was imposed by Congress as a price to avoid a rail strike—all these things in the aggregate produced a situation in which the court-appointed trustees in bankruptcy came voluntarily to the Commerce Committee of the U.S. Senate and said, "Our cash flow will become negative in early January unless something is done."

So, Mr. President, wholly aside from the reserved question of what we do to obtain a coherent total national transportation policy, we now have the single challenge: How do we prevent the close-down of one of our major transportation arteries?

I think we are making a mistake, but I think we have no alternative to passing this bill at this time. I suggest that we cannot afford to permit the Penn Central, with all its transportation facilities, with the dependence of electric power industry and commerce generally on the the Penn Central, to close down between now and the time we reconvene.

It is a terrible price to pay for that hiatus, but I am afraid we have to pay it, and I propose that we go about the business of doing the distasteful task of preventing that railroad from shutting down by using Federal credit to guarantee private loans or direct loans, as the subcommittee chairman prefers—and either would be acceptable to me—to postpone the day that the road will close, so that we can calmly, quietly, and dispassionately decide what a coherent national transportation policy should be.

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

Mr. HARTKE. I yield.

Mr. FULBRIGHT. I should like to ask the Senator from Indiana a few questions.

How long is this $125 million scheduled for the Penn Central supposed to last?

Mr. HARTKE. The entire $125 million is not necessary for the Penn Central to keep it going under its present terms. The statement to the committee was that they would need in the neighborhood of $62 million to carry them through until about March. It is anticipated that part of this money may be used for other railroads.

Let me make it clear, however, and there should be no misunderstanding about this. The testimony is clear in the committee that the Penn Central, in and of itself, under reorganization, with its present structure, would require additional cash for the next 3 years, in the neighborhood of $450 million total.

Mr. FULBRIGHT. The Penn Central alone?

Mr. HARTKE. The Penn Central alone; yes.

I think it is necessary that the country know that what we are talking about here is in the neighborhood of between $420 million and $450 million to keep the Penn Central operating. The trustees anticipate that by making changes in operating techniques, in the equipment and everything else, they will be in a position in which they will start making money, they will eventually have the railroad turned around, from a losing operating to a profitmaking operation. As part of the effort they will attempt to dispose of nonrailroad operating assets which are held by the Penn Central Co. The corporate structure is a maze which would have taken an ancient king to have devised.

Mr. FULBRIGHT. What aroused my curiosity was that, in reply to a question by the Senator from New Jersey, the Senator from Indiana apparently said that other railroads, without limit, may be eligible for loans under this legislation.

Mr. HARTKE. I think it might be helpful at this time to say there are limitations. One of the most specific limitations of the bill that only railroads that are in reorganization are eligible. One of the railroads to which the Senator refers is the Jersey Central. The Jersey Central is in financially bad condition. An effort is being made to turn it around. It has been helped financially by the State of New Jersey. It had been anticipated that they would run out of money on December 15, and probably would have, except for the fact that they had a change of trustee, which accommodated the powers that be in New Jersey and the State of New Jersey advanced the railroad sufficient money to keep it operating for an additional 2 months or so. The amount of money involved there was approximately $8 million.

It might be helpful to discuss the conditions to a guarantee which exist in H.R. 19953, but not in the substitute of the Senator from New Hampshire.

First. There must be a finding that a cessation of essential transportation services by the railroad would endanger the public welfare;

Second. That cessation of such services is imminent;

Third. That there is no other practical means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;

Fourth. That such certificates cannot be sold without a guarantee;

Fifth. That the railroad can reasonably be expected to become self-sustaining; and

Sixth. That the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

Those are the conditions.

Mr. FULBRIGHT. Is there any dollar limit to the amount of Government loans authorized in this bill? In other words, can it go above $1 billion or $15 billion?

Mr. HARTKE. The only limitation is the limitation of $25 million on the aggregate amount that can be outstanding at any one time. There is nothing restricting the Department of Transportation from making a determination that all of the $125 million should go to the Penn Central. Taking the extreme position, that is possible under the law as long as the conditions specified in the bill are adherred to.

Mr. FULBRIGHT. I did not make myself clear.

This bill is an authorization, is it not?

Mr. HARTKE. That is correct.

Mr. FULBRIGHT. Is it possible for more than $125 million to be lent to anybody?

Mr. HARTKE. No.

Mr. FULBRIGHT. Therefore, if this is to be expended beyond that in any amount, new legislation would be necessary?

Mr. HARTKE. That is correct.

As a matter of fact, the Senator from Indiana would have preferred to have set a much lower limit. I would set a limit of $75 million. There was talk of $100 million. The House wanted $125 million.

Our problem at this time is that unless we pass the measure as was passed by the House—and their bill was drafted as a result of earlier action within the Senate Commerce Committee. I personally would have preferred a smaller amount. But the $125 million was the amount agreed upon, and that is the amount which in the aggregate could be loaned at any one time; and before anything else could be done, Congress would have to authorize additional funds.

Mr. FULBRIGHT. I wanted to make that clear. Several Senators have mentioned this, and I believe the Senator from Kentucky especially mentioned that he believes this is the first step toward nationalization, if I understood him correctly.

That being so, is the Committee on Commerce presently engaged in a study of the possibility or probability of nationalization and how to go about it in case it does become advisable in the opinion of Congress?

Mr. HARTKE. Let me rephrase it, so that I do not come into the Senator's word trap.

Mr. FULBRIGHT. I did not set any trap. I only asked a simple question. Is the committee studying nationalization?

Mr. HARTKE. We are studying the entire problem of national transportation. Before the committee at this time is a bill introduced by Senator MAGNUSON, S. 2425, of which a number of members of the committee are cosponsors—hearings have been held on it—to try to develop a national transportation policy.

In addition, I have talked with the chairman and hopefully, we can talk with the minority members to convince them of the necessity of going in depth into this whole question—we would not merely restrict the study to the possibility of nationalization. I think there should be a review of the whole problem of mergers, the acquisition of nonrailroad properties—in order to come up with some policy which would provide us with some comprehensive answers. There is a trap; it is a financial trap which we must spring in some way.

Mr. FULBRIGHT. I was not trying to trap the Senator. I just wanted a simple answer. Is the committee studying the problem of nationalization of railroads? I refer to Government ownership, and not national policy for running trains at certain hours, or Railpax. Is there a subcommittee with a staff studying the ownership of the railroads by the Government and how to go about it in case it is thought advisable?

Mr. HARTKE. No.

Mr. FULBRIGHT. That is not a trap. That is all I was trying to ask.

Mr. HARTKE. I gave the Senator a very clear answer.

Mr. FULBRIGHT. A very clear answer, yes.

Is the ICC, which is given a large staff, studying how to go about nationalizing public ownership of the railroads?

Mr. HARTKE. If the Senator can tell me what the ICC is studying, he has a mind which comprehends things I have never been able to comprehend. I have been trying to find out for 2 years now what they have been studying. I hope we can come up with a definitive answer. My judgment is that they are not, but that is merely an off-the-cuff judgment.

Mr. FULBRIGHT. Does not the Senator think it wise, in view of the statement of the Senator from Kentucky, and also the statement of the Senator from Rhode Island and others, that there be constituted a subcommittee of the Commerce Committee with a staff with directions to study this matter?

Mr. HARTKE. I think the whole question should be studied. I believe that we should have an adequate number of staff. We have discussed this matter, and I have assurances from the chairman that he supports the program and I also have assurances from the Senator from Rhode Island that he supports such a program. That is as far as we have gone. We have not discussed this with the minority members yet. It only happened last night.

Mr. PASTORE. If I may respond, all I said was that I was not unequivocally opposed to nationalization if it became necessary. I think it is a little too premature. The answer is that the committee is not studying nationalization. As a matter of fact, I do not think that we should be studying nationalization at this time.

Mr. FULBRIGHT. Somebody should be.

Mr. PASTORE. It is a national problem. I think this should have the initiative of the leadership, of the administration, and of all the parties concerned. I do not think the committee, of itself, should initiate this nationalization. This is a governmental policy that will have

to be thoroughly considered, because it will involve the appropriation of billions and billions of dollars.

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

Mr. FULBRIGHT. I yield.

Mr. COTTON. Mr. President, who has the floor?

Mr. FULBRIGHT. I do, and I am glad to yield to the Senator from New Hampshire.

Mr. COTTON. All right. I thank the Senator.

Now, Mr. President, this discussion is wandering into a very dangerous zone——

Mr. FULBRIGHT. Is what?

Mr. COTTON. It is wandering into a very dangerous zone. I admire the distinguished Senator from Arkansas, who wants to know the facts. He has an inquiring mind. But, one reason why the Senator from New Hampshire prefers a limited and clearly temporary measure with a termination date in March is that when we talk about a study of nationalization, the bill itself has not been studied. I do not raise, as I could, any question about a quorum of the committee being present when the bill was voted out. As a matter of fact, the bill was considered when the chairman was unavoidably absent. We discussed the matter. I offered my amendment. It was voted down. The bill had only the sketchiest kind of consideration. The committee which is very ably chaired by the Senator from Indiana (Mr. HARTKE) has a staff—in fact it has a greater staff than subcommittees have had in the past, because in this Congress every chairman of every subcommittee on the Committee on Commerce has a clerk assigned to him and to his subcommittee, which never happened before.

We on the other side of the aisle cover the whole situation with some seven people, while some 41 people are engaged in staff work for the majority on the committee.

I did not intend to raise these points, but I sat here about as long as I could stand it, listening to the questions and answers elicited by the distinguished Senator from Arkansas.

There has been no study about nationalization of the railroads. There has been only a cursory study and a hasty hearing on the bill before us. That is why, recognizing the serious situation, I wanted my amendment adopted, because it so clearly is temporary and terminates on a fixed date. The Secretary of Transportation, representing the administration, wants more authority. However, I am against giving him such requested authority, and I am the ranking Republican on the committee. I want the authority to terminate midnight on March 31, 1971. More importantly, I do not want anything that is done here today to establish a precedent that we will be on the road to nationalization or on the road to bailing out any ailing business enterprise.

Mr. FULBRIGHT. While the Senator is on his feet, is that the limitation of time? Is the amount the same?

Mr. COTTON. The amount is the same.

Mr. HARTKE. Will the Senator yield?

Mr. FULBRIGHT. I will yield for an explanation.

Mr. HARTKE. I would like to clarify that point. The total amount is the same but the proposed substitute contains no safeguards.

Mr. COTTON. Will the Senator speak a little louder?

Mr. FULBRIGHT. He says there is no safeguard in the bill comparable to the committee bill.

Mr. HARTKE. The bill limits the amount for any one railroad to the amount of increased wages which the railroad would have to bear as a result of the wage increase. This raises a false issue. If the administration wants support for a bill as proposed by the Senator from New Hampshire, it should have said so. The administration is supporting the committee approved bill. I am not that wedded to this bill. I am not interested in fighting a battle for the administration.

The administration may not want to get into this matter, but I want it clearly understood that the bill we are presenting and the bill supported by the administration, provides for the temporary alleviation of a financial condition and it is a bailout. It is a bailout for the Penn Central. There is no other way to look at it. Anyone who tries to paint it as anything else is wrong, because this bill will, if the railroad can meet the conditions contained in the bill, provide money in a loan guaranteed by the U.S. Government. We have done that before, under title V of the 1958 act. There is no use anyone trying to hide the thing further.

Referring to the comment about the great staffs that the subcommittee on surface transportation has, let me state for the record that we have one full-time member and one part-time member.

Mr. COTTON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. COTTON. I want to call attention to the fact that there are more safeguards in the substitute of the Senator from New Hampshire. One of the safeguards is that it provides that after December 18, the date our committee reported out its bill, no railroad can qualify for such assistance by undergoing reorganization under the Bankruptcy Act. It is restricted to those undergoing reorganization on or before such date. The same aggregate amount of $125 million is provided as a ceiling. Moreover, it does fix the date on which the authority of the Secretary is terminated. Nevertheless, as I said at the outset, when the Senator was not yet in the Chamber, as a practical proposition, the Senator from New Hampshire and others who feel as I do are perfectly aware of the fact that if anything is going to be done, we have got to pass the House bill, H.R. 19953, now under consideration. I offered my amendment because I wanted to get my views before the Senate and go on record as opposed to the form of the relief proposed in the pending measure and the conditions under which it is being considered. I will not ask for a rollcall vote. I will not ask to do anything to upset the apple cart.

As a practical matter, every one of us knows that we have got to act upon the House-passed bill. Otherwise, we could be confronted with a very serious situation.

I did not intend to get drawn into all this bickering about minor points. I had to do so, however, because I felt that the record was inadvertently—not intentionally—being distorted. I could not sit silent and not present my views.

Mr. FULBRIGHT. Mr. President, I thank the Senator. I think that pressure ought to be brought to bear and that a study should be made of this matter.

From my somewhat limited knowledge of the matter, I am inclined to favor the Senator's substitute over the committee bill. There are one or two observations I would like to make. I realize that in many circles there is a kind of taboo on talking about nationalization. However, in this field I feel very much as I do in certain other ones. If we are moving in this direction it would be much less costly if we were to do it with our eyes open and recognize it rather than to slide in indirectly and waste several hundreds of millions of dollars pretending that it is not nationalization when there is not anything wrong with it in some cases. Practically every country of any consequence owns its railroads. In Japan and Canada they have both nationalized and privately owned railroads.

It has become a sort of mythology with us that everything has to be private enterprise. It does not have to be. Many countries have shown nationalized industries to be successful; more successful than ours in some instances.

I think it is wrong to cling to these old taboos beyond their day. That is why I raise this matter. I am not too well equipped to answer these questions, but I am interested in the private enterprise system and I am interested in the Government going into these matters in this indirect, backdoor way.

Actually this is very similar in my mind to the way we have approached the SST. Private enterprise can handle that matter for its own purposes if it is willing to do so. But I do object to the Government subsidizing private enterprise in this way because we get the bad end of the stick and pay all the costs.

We take all the risk, and, if it turns out good, the Boeing stockholders will benefit. I am against that.

I am perfectly willing to nationalize the railroad. But I think it ought to be studied. I think it is ridiculous to sit around here and have some Senators say that this is the first step toward nationalization.

The ICC, if it was worth its salt, ought to have studied the matter long since. It is a perfectly useless appendage to the Government. The Senator has said that he does not know of anything they do.

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

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Mr. President, there is a little something more about the amendment of the Senator from New Hampshire. Is not the amount we can guarantee limited to the amount that we decreed for a pay raise to any particular railroad?

Mr. COTTON. The Senator is correct.

Mr. PASTORE. That is an important element. The point I made—and I think

that the Senator from Arkansas was on the floor when I made that point—is that the problem is to keep them operating beyond January 8 until we can straighten this matter out on a permanent basis.

Mr. FULBRIGHT. It does that.

Mr. PASTORE. It does it to the limit of the 13 percent that we decreed at the time in order to avoid the strike. But it does not go beyond that. That means that they can come to a stop anyway. It may not be on January 8, but it might be a few days or weeks later.

Mr. FULBRIGHT. Mr. President, I thought that the Senator felt confident this would get them going until the end of March.

Mr. COTTON. They told us the amount they needed to get by. This gives them that amount plus prevailing interest. It does stop at the end of March. On the other hand, with the House bill we go far beyond the end of March, and we are liable to be called upon for more money. Then we will be on the road to something, whether it is nationalization or something else.

Mr. FULBRIGHT. Mr. President, could I ask the Senator how extensive the hearings were on the bill? The Senator indicated they did not amount to very much. How many witnesses were called on the bill.

Mr. COTTON. I do not recall exactly, but I do not believe there were any hearings on the particular bill now under consideration. There were, however, earlier hearings on similar bills covering several days.

Mr. HARTKE. Mr. President, the hearings on this matter began last June. I would imagine that they totaled nearly 11 days of hearings. Not all those hearings involved this particular bill.

Mr. FULBRIGHT. I meant on this bill. I did not mean the entire committee's work.

Mr. HARTKE. I am talking about the bill originally submitted by the administration. This is a very limited version of the administration bill.

Mr. PASTORE. The Senator is correct.

Mr. FULBRIGHT. The Senator suggested that it had not been given very thorough consideration. I thought he also suggested that there might not have been a quorum present when the matter was voted on in committee. Someone in one of my committees raised a point of order because there was not a quorum. We had to take the measure back and vote it out again. I am familiar with that rule. If there was not a quorum present, someone could have made the point of order. However, I am not presenting that as a suggestion.

Mr. COTTON. Mr. President, the Senators could have been brought in. We all recognized the emergency here. I voluntarily said to the Senator from Rhode Island—and he will correct me if I am wrong—that I would reserve the right to offer my substitute on the floor, but I would not raise the point of order respecting the lack of a quorum because the Senators could have been brought in. I do not think there would have been any additional votes for it other than the three votes cast by two of my colleagues and me.

Mr. FULBRIGHT. Mr. President, I realize the emergency nature of the situation. I would like to suggest, speaking for myself, that the ICC be instructed to study this problem. And if that is not practicable, I suggest that a subcommittee do it. I am confident it will be facing us as a very serious matter in the next few years.

Mr. COTTON. Mr. President, would it truly be effective to assign the ICC such a task?

Mr. FULBRIGHT. I assume the Senator has no confidence in the ICC. The committee can create a special subcommittee to study the matter.

I feel a little presumptuous, not being on the committee, but these problems impinge on a lot of other areas, especially with regard to what is going to happen in the airline industry.

According to the paper, TWA is on the verge of bankruptcy. I am not a stockholder and have no inside information. I just read the New York Times. They lost in the neighborhood of $30 million last year. According to the Wall Street Journal, Pan American, the largest airline in the world, lost over $25 million in the last quarter I believe. I will look up the information. At any rate, it was an awful lot of money.

These are important problems in the transportation field. I think that they ought to be studied and that we ought not to blindly ease into it through the back door for fear of facing up to the question of whether they should or should not be nationalized. It is not a dirty word. Nearly every country in the world has done it.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I would like to make two points. In the first paragraph of the act creating the Interstate Commerce Commission, it gives the ICC the authority to regulate and establish and maintain a viable transportation system throughout the United States. Besides this authority, the Federal Government also already owns a railroad.

I notice that the distinguished Senator from Alaska is seated behind the Senator from Arkansas. The Federal Government owns the Alaskan Railroad. It has owned it ever since it was created. It owns every piece of equipment. It owns the rail bed. We have been paying a subsidy to the Alaskan Railroad in the Interior bill every year since the Senator from Arkansas has been here. I might suggest to the Senator that the ICC regulates the Alaskan Railroad. It allows rate increases. The ICC has regulated the Alaskan Railroad so that it has never made a profit in a single year since it has been in existence, and it has been running since about 1920.

Mr. FULBRIGHT. I wish to ask the Senator this question. Why not abolish the ICC and set up something that will work?

Mr. COOK. I would refer the Senator to the unanimous opinion of the Committee on Commerce the other day when this bill was changed to state it would be the Secretary of Transportation and not the ICC. It was agreed that if a bill came before the Senate to abolish the ICC it would pass unanimously.

Mr. FULBRIGHT. Why not put it in as an amendment on this bill? That would bring it to a head.

Mr. COOK. Then we really would be here until noon on January 3.

Mr. FULBRIGHT. Not if we passed it unanimously.

Mr. President, I do not wish to belabor this matter. The Senator mentioned two or three times this is not new and that loans have been made under title V. Could the Senator from Indiana tell me how much they total?

Mr. HARTKE. I will have that information in a moment. I have come here with a great deal of hesitation to support this bill. I am doing it probably because nobody else wants to. I am only saying we have had a precedent. I did not say that it was a good thing or a bad thing. I merely stated that if there was a precedent it was established under the 1958 act which added title V to the Interstate Commerce Act. In other words, what we are doing today is not entirely new.

Mr. FULBRIGHT. I read into it more than the Senator said. I withdraw that implication. Normally, when I cite a precedent it is to support a point; having done it successfully before we can do it again. But if it has been such a failure I would not have mentioned it at all unless someone asked me.

Mr. HARTKE. If I were a strong advocate of this procedure I probably would not cite it as precedent either. I am only trying to clear the air and make sure we understand that the bill before us is not new.

There is talk, and it is not idle talk, that there is need for an organization similar to the Reconstruction Finance Corporation, not just for railroads but for other organizations. Now the RFC is clear precedent for the Federal Government to loan money to private organizations, even those businesses which are not affected with the public interest as are the railroads.

I do not cite that as authority that we should or should not do it. I am trying to make clear that we are not doing something new. This is something we have done and it should not come as a shock.

Mr. FULBRIGHT. Mr. President, I do not wish to take any more time of the Senate. I again suggest that the subject that has been raised here by Senators and by members of the committee should be studied thoroughly and it should be done soon because this is a very ominous development. The Penn Central is the biggest railroad in the world. It had great capitalization and assets of $6 billion or $7 billion, and here it is folding. What is so bad about it to me is that there is not a depression. This is not comparable to 1929 when some of the best corporations, due to conditions beyond their control, were in financial difficulties. This railroad has been so mismanaged that I think it raises very serious questions.

I believe in private enterprise. I have benefited by private enterprise as all of us have. I think this kind of operation is a discredit to private enterprise. To baby along a situation I see developing does not strengthen the concept of private enterprise any more than I believe the war in Vietnam has strengthened the United States. I think it has weakened the United States. I think it weakens private enterprise to pick up a company

so grossly mismanaged and to try to keep it alive by the infusion of money. It should go through the wringer. That is the practice that should be followed that would be an incentive to proper management. I think it is wrong to do this.

The argument of the Senator from Rhode Island is persuasive on the emergency nature involved. I want to make clear there is an emergency and I would regard it as that. I think the matter should be studied and we should face the question—the company should either be allowed to go through the wringer, and the stockholders lose their money and the directors lose their money and pensions, and everything else, and start from scratch, or be taken over. I do not like this indirect way of subsidizing inefficient management. I think it is aganst the concept of prvate enterprise.

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

Mr. FULBRIGHT. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. The point I want to make is that the railroad is, in fact, now going through the wringer. They are in the hands of the court and trustees. As I said earlier, I would not give a wooden nickel to the Pennsylvania Railroad, the New York Central Railroad, or the Penn Central Railroad. But we have trustees now and the matter is in the hands of the court. The question we have here is to keep it going until we resolve it on a permanent basis. If this were not in the court I would vote as the Senator from Arkansas.

Mr. FULBRIGHT. I also stated that because of the possibility there are 16 railroads in difficulty, five in bankruptcy, it is not an isolated case.

I shall not take any more time of the Senate now. This is one of those cases that might have greater implications than just the Penn-Central Railroad. I do not know why it should not be used as an opportunity to have someone study on what to do about these basic industries. As the Senator from Rhode Island pointed out we just cannot afford to have them stop. It comes very close to a public utility in that it has to continue.

There is one other thing I wish to mention. For years I have heard about a system for settlement of strikes that is used by the Swedes. I have asked a number of our people if they have studied this system. They have not had an important strike for 25 years and it is one of the most sophisticated and industrial countries in the world with the highest per capita income in Europe, next to Switzerland. It is close to ours.

Apparently no one paid any attention to it. They found some way to settle the strikes rather than to have government intervention and government setting wage scales. But I say it is high time we give thought to these difficult problems to see if we can adjust our actions in accordance with what the most sophisticated countries in the world are doing.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. COTTON. Mr. President, the Senator from Virginia knows what I want to do. Will he yield?

Mr. BYRD of Virginia. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, when I offered my amendment, I stated that I wanted to make my position on the bill clear and point out its dangers. But, it is either this bill or no bill. We have gone far afield. It was not my intention to debate the amendment and hold up the Senate when we are pressed for time.

Therefore, Mr. President, to get down to brass tacks, we can say what it is necessary to say about the bill and vote.

I move that the Cotton amendment be laid on the table.

The PRESIDING OFFICER. The question is on the motion.

Mr. JAVITS. Mr. President, may we know which amendment is to be laid on the table?

Mr. COTTON. My own amendment.

The PRESIDING OFFICER. Will the Senator from Virginia yield for that purpose?

Mr. COTTON. Mr. President, I understand he had. I told the Senator from Virginia I was going to make the motion.

Mr. BYRD of Virginia. Without losing my right to the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table (putting the question).

The Chair is in doubt. All those in favor of the motion to table, please stand and be counted. (After a pause:) Will those who oppose the motion to table please stand and be counted?

On a division, the motion is carried.

The bill is open to further amendment.

Mr. BYRD of Virginia. Mr. President, I find this legislation a very difficult one on which to pass judgment.

We are faced with a very difficult situation. No one wants the Penn Central Railroad to cease to operate. On the other hand, there is a grave question of national policy involved—a new policy and one which can have far-reaching consequences.

I would like to address several questions, if I may, to the distinguished Senator from Indiana.

First, in reading the committee report, I find a number of letters from various governmental officials, but they seem to refer to legislation other than the particular bill under consideration. Am I correct in that?

Mr. HARTKE. The Senator is basically correct. What happened was that the administration submitted a recommended bill to lend money to the railroads before the Penn Central went into reorganization. Before the bill was actually introduced and before hearings were conducted, the railroads entered reorganization. The strike threat occurred in December, then there was a wage increase, which precipitated the action which is being taken at this time.

The bill itself was worked out by the committee at a very late date. It has the endorsement of the Department of Transportation and it has been passed by the House of Representatives.

Mr. BYRD of Virginia. I thank the Senator.

In the letter from the Assistant Comptroller General he mentions that the bill then under consideration used the figure $750 million. Was the original proposal to permit loans up to $750 million, or guarantee of loans up to $750 million?

Mr. HARTKE. The administration bill requested that the committee authorize the guaranteeing of loans up to $750 million without any restrictions as to the railroad's condition and without any requirement that the railroad be in reorganization.

Mr. BYRD of Virginia. Who submitted that bill?

Mr. HARTKE. That bill was submitted on behalf of the administration.

Mr. BYRD of Virginia. Was it submitted by the Interstate Commerce Commission or the Justice Department?

Mr. HARTKE. By the Department of Transportation. It was introduced by the ranking minority member of the committee on request of the Department of Transportation.

Mr. BYRD of Virginia. The bill under consideration at the moment is H.R. 19953. I assume that that is precisely the same as S. 4595.

Mr. HARTKE. For all intents and purposes it is, with the exception of some minor technical amendments.

Mr. BYRD of Virginia. There is no basic difference in the two?

Mr. HARTKE. There is no basic difference in the two.

Mr. BYRD of Virginia. I have not had an opportunity to study H.R. 19953, but I did have an opportunity to study S. 4595 and it seems to me it is a very well drawn proposal and has incorporated in it restrictions which, in my judgment, should be in legislation of this type if we are being to pass legislation of this type. I think the committee did an excellent job in preparing the bill and in writing restrictions into the bill, assuming it is wise to pass such legislation.

Mr. HARTKE. I thank the Senator from Virginia for saying that. Let me point out to him that what we wanted in this bill was to have it as tightly drawn as possible. We had the interest of two groups in mind: the U.S. taxpayers and the user of the railroad's service. So the prime purpose of the bill is to lend money to run the railroad. Assistance would go only to railroads that were in reorganization and where cessation of service was imminent.

Mr. BYRD of Virginia. This proposal would permit Government guaranteed loans up to $125 million?

Mr. HARTKE. That is correct.

Mr. BYRD of Virginia. And that $125 million could go to one railroad or to several or more railroads?

Mr. HARTKE. The Senator's statement is correct.

Mr. BYRD of Virginia. What about the interest on those loans? Who is to pay the interest on the loans?

Mr. HARTKE. It is a guaranteed loan. The debtor pays the interest.

Mr. BYRD of Virginia. The loan itself will be made through commercial sources?

Mr. HARTKE. The loan would be made by a commercial enterprise. The loan itself would be approved by the Department of Transportation. The interest would be in addition to the actual loan itself.

Mr. BYRD of Virginia. Then, we are not dealing with $125 million; we are dealing with $125 million plus the interest on $125 million?

Mr. HARTKE. Plus the interest; that is correct.

Mr. BYRD of Virginia. Which the Government will pay to a commercial enterprise——

Mr. HARTKE. The Government payment would be only in the event of default. The Government will not make any payment unless there is a default. What it is making is a guarantee of the loan.

Mr. BYRD of Virginia. Who pays the interest?

Mr. HARTKE. The railroad.

Mr. BYRD of Virginia. The railroad will pay interest on the loan until it comes in default?

Mr. HARTKE. That is right.

Mr. BYRD of Virginia. And then if it comes in default, the Government pays the interest as well as the principal?

Mr. HARTKE. That is right. It has responsibility for the loan and it would assume all the rights and obligations of the original debtor.

Mr. BYRD of Virginia. But until the loan is in default, the interest is paid by the railroad itself?

Mr. HARTKE. That is right.

Mr. BYRD of Virginia. Did I understand the Senator from Indiana to say, or perhaps it was the Senator from New Hampshire or the Senator from Kentucky, that the ICC has already made a $20 million——

Mr. HARTKE. No, I want to correct that.

I have here a recapitulation of the total amount of guaranteed loans, and I ask unanimous consent that the entire list be printed in the RECORD at this point.

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

LOAN GUARANTEE APPLICATIONS APPROVED

Railroad	Number of applications	Total amount guaranteed
Boston & Maine	5	$9,000,000
Central of New Jersey	2	20,000,000
Chicago & Eastern Illinois	2	14,800,000
Erie-Lackawanna	1	15,000,000
Georgia & Florida	2	1,934,960
Lehigh Valley	5	21,823,000
Missouri-Kansas-Texas	3	34,000,000
Monon	2	10,500,000
Penn Central (formerly New York Central)	1	40,000,000
New Haven	4	$23,159,400
New Haven trustees	2	12,500,000
New York, Susquehanna & Western	2	855,000
Norfolk Southern	2	7,400,000
Pittsburgh & West Virginia	2	3,000,000
Reading	1	30,000,000
Total	36	243,972,360

LOAN GUARANTEE APPLICATIONS STATEMENT SHOWING FOR APPROVED APPLICATIONS THE TERM OF GUARANTEE, RATE OF INTEREST, AND PURPOSE OF LOAN

Finance Docket No.	Railroad	Amount approved	Term of guarantee (years)	Date of final maturity	Rate of interest (percent)	Purpose of loan
20429	Boston & Maine	$3,000,000	15	Dec. 1, 1974	5	(1).
21365	Do	3,000,000	15	July 1, 1975	5	(1).
21615	Do	1,000,000	6	July 1, 1965[2]	4⅞	(1).
22231	Do	1,000,000	15	Oct. 15, 1977	5	(1).
22639	Do	1,000,000	3	July 1, 1966[2]	4¾	(1).
	Total	9,000,000				
21555	Central of New Jersey	15,000,000	15	July 1, 1976	5	(3).
22640	Do	5,000,000	15	Dec. 1, 1978	5	(1).
	Total	20,000,000				
21210	Chicago & Eastern Illinois	3,000,000	15	July 31, 1975	5¼	(1).
22361	Do	11,800,000	15	Dec. 31, 1977	5	(4).
	Total	14,800,000				
21494	Erie-Lackawanna	15,000,000	15	June 1, 1976	5¼	(1).
	Total	15,000,000				
20517	Georgia & Florida	$934,960	10	Dec. 31, 1970[2]	5	(5).
20518	Do	1,000,000	10	Dec. 23, 1970[2]	5½	(6).
	Total	1,934,960				
20760	Lehigh Valley	5,923,000	15	Aug. 1, 1974	5.0059	(7).
21300	Do	5,000,000	15	June 15, 1975	8½	(1).
21539	Do	2,500,000	4	May 17, 1970	6	(1).
21776	Do	5,000,000	15	Nov. 1, 1976	4½ and 5	(1).
22339	Do	3,400,000	15	May 1, 1977	4¼	(1).
	Total	21,823,000				
21454	Missouri-Kansas-Texas	16,000,000	15	May 1, 1976	5	(1).
21552	Do	6,000,000	15	June 1, 1976	4¾	(1).
22577	Do	12,000,000	15	June 1, 1978	5⅝	(1).
	Total	34,000,000				

Note: Table incomplete.

INTERSTATE COMMERCE COMMISSION, BUREAU OF ACCOUNTS, SECTION OF FINANCIAL ANALYSIS—PT. V LOANS RECONCILIATION OF DIFFERENCES IN AMOUNTS FOR SAME ITEMS SHOWN IN ANNUAL REPORT (SCHEDULE 6) TO TREASURY DEPARTMENT AND STATEMENTS FURNISHED BUREAU OF BUDGET BY BUDGET AND FISCAL OFFICE

Railroad	Amount of loan outstanding as of June 30, 1970		Items in Budget statement which are under or over amounts for similar items in Treasury report	
	Treasury report	Statement to Bureau of Budget	Under	Over
Boston & Maine	$3,216,667	$3,216,667		
Central of New Jersey		15,075,573	[1] $15,074,573	
Chicago & Western Illinois	6,838,996	6,838,996		
Erie-Lackawanna	12,000,000	12,000,000		
Lehigh Valley	11,285,000	11,285,000		
Missouri-Kansas-Texas	30,040,000	30,040,000		
Monon	7,450,000	7,450,000		
New Haven	2,719,800	15,409,032	[1] 12,689,232	
New Haven Trustees	12,500,000	12,500,000		
New York, Susquehanna & Western	229,300	229,300		
Norfolk Southern	$5,800,000	$5,800,000		
Penn Central (formerly New York Central)	16,900,000	16,900,000		
Pittsburgh & West Virginia	600,000	600,000		
Reading	28,000,000	28,000,000		
Total	137,579,763	165,344,568		$27,764,805
Difference	27,764,805			

[1] Explanation: Amount paid by United States upon default—no further contingency—therefore not included in Treasury report. Amounts applied against principal of loan in finance docket No. 20398 as result of settlement between Department of Justice and Trustees, and amounts applied against principal of unsecured loan in finance docket No. 21299 as a result of settlement of certain claims. Amounts applied against principal of Central of New Jersey loans as a result of income received on collateral and proceeds from maturing Treasury bills.

Difference:	
New Haven	+$14,375,000
Finance docket No. 20398	1,057,868
Finance docket No. 21299	627,900
Total	−1,685,768
Net, New Haven	+12,689,232
Central of New Jersey	+16,995,000
Financial docket No. 21555	$1,583,517
Financial docket No. 22640	335,910
Total	−1,919,427
Net, Central of New Jersey	+15,075,573
Net total	+27,764,805

Note: The above differences are due to the fact that the Treasury report (schedule 6, "Supplementary Statement of Commitments and Contingencies") shows the contingent liability of the United States as of the date thereof whereas the statements furnished Budget include the unpaid balance on defaulted loans of New Haven and Central of New Jersey which are still a debt due the United States (even though the lenders have been paid through supplement appropriations). Such defaulted loans are excluded from the Treasury report since they are no longer a contingent liability of the United States.

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

Mr. BYRD of Virginia. I yield.

Mr. COOK. The point I was trying to make was that the Penn Central Railroad at the time it went into receivership was the recipient of a title V loan from the ICC. I think the original principal of that loan was $40 million or $50 million. It had paid the loan down to some $19 million-plus as of the time it filed in receivership. The ICC was notified by a group of New York banks that it was holding the U.S. Government responsible for the balance of the loan.

Mr. BYRD of Virginia. I thank the Senator.

Am I correct in assuming that if the entire $125 million is loaned to the Penn Central, the Penn Central will owe the Government the $125 million plus the $20 million which was guaranteed by the ICC?

Mr. HARTKE. The law does not provide that assistance will go to the Penn Central. It is not required that a loan of $125 million be made by the Department of Transportation, although, I want it clearly understood, there is nothing in the bill which would prevent any loan in that amount being made. Any outstanding loan presently made under title V of the Interstate Commerce Act of 1958 would be in addition to any loans made under the provisions of this act.

The act of 1958 has expired.

Mr. COOK. Mr. President, if the Senator will yield, I think it is only fair to say also that the ICC is a creditor, a secured creditor by reason of its mortgage, in the receivership proceedings under chapter 77. As a matter of fact, I am of the opinion that they had five mortgages, including all of the equipment of the railroad, I am not sure, as opposed to all of the assets of the railroad other than the rolling stock and fixtures. But I think the point that the Senator from Indiana is making, first of all, is that this $125 million includes all of the railroads that are presently in receivership that would qualify.

Mr. BYRD of Virginia. That is correct; I understand that.

Mr. COOK. I think the testimony was that the Penn Central could really get along on $64 million. Is that not correct?

Mr. HARTKE. $62 million to $64 million.

Mr. COOK. And I would have to say that the $20 million under the previous title V loan is a secured claim in receivership, under the chapter 77 action already in the courts.

Mr. BYRD of Virginia. I thank the Senator from Kentucky.

Let me ask the Senator from Indiana this: Is it not true that the Penn Central has assets of a value of between $5 billion and $6 billion?

Mr. HARTKE. It has assets. The value of those assets is certainly open to question. The estimates have been between $4 billion and $7 billion, depending on who makes the estimate, and when. But there is no question that they hold assets other than railroad assets in large amounts, all of which are severely mortgaged.

Mr. BYRD of Virginia. The Penn Central has assets of billions of dollars, somewhere between $4 billion and $7 billion?

Mr. HARTKE. Yes. Let me make clear, I do not want to exercise any judgment. We tried to find out from the trustees. They are attempting to place what they consider a reasonable value on those assets, also. Some of the assets are of a nature that has value only to a railroad as an operating corporation. Other assets include land holdings such as the Southwest Corp. or Vita Corp. They hold an interest, for example, in Madison Square Garden.

Mr. BYRD of Virginia. All of those are valuable assets. The Great Southwest Corp. owns land in Texas which is a very valuable asset.

Mr. HARTKE. There is no question that it is a very valuable asset, but it is severely encumbered.

Mr. BYRD of Virginia. Let me ask this: Is the Penn Central on a calendar year basis or a fiscal year basis?

Mr. HARTKE. I am sorry, I cannot give that information to the Senator.

I am informed they are on a calendar year basis.

Mr. BYRD of Virginia. Does the Senator from Indiana or the committee have figures which show the profits of the Penn Central in previous years?

Mr. HARTKE. Yes, we have all those. Those have been presented as a result of the hearings.

The real cause of the financial condition which led to the failure of the bond issue early this year was the bad return for the first quarter of 1969.

Mr. BYRD of Virginia. I am interested, though, in the——

Mr. HARTKE. Let me say also that we have great difficulty in making any definitive assessment of the profit and loss structure. Mr. Wirtz, who is one of the trustees under reorganization, testified that the accounting procedure produced information which had very little relation to the truth.

Mr. BYRD of Virginia. Does the committee have, and could the Senator state to the Senate, the profits or losses, as the case may be, for the Penn Central since it became the Penn Central, and prior to that, going back, say, just to pick a figure, to 1960, 1961, or 1962, the profit and loss on both the Pennsylvania Railroad and the New York Central?

Mr. HARTKE. We can obtain those.

Let me say again that we feel at this moment we have gone into it in depth. We have the financial statements as they were filed, which could be made available to the Senate. But I wish to say also at this time that those financial statements unfortunately, according to statements of the trustees under reorganization, are not of the character which is considered most reliable, even though they were filed with the Interstate Commerce Commission, and even though the Interstate Commerce Commission was supposedly watching very carefully what was going on.

Mr. BYRD of Virginia. Were they not filed with the Internal Revenue Service?

Mr. HARTKE. Yes, they probably were.

Mr. BYRD of Virginia. And the Securities and Exchange Commission?

Mr. HARTKE. Yes.

Mr. BYRD of Virginia. The railroads must have been profitable because the stocks, for instance, the Penn Central stock—I am taking this from memory, but I think at one time it was up to 87.

Mr. HARTKE. I wish to point out, as I did when the Senator was not present, that there are several unanswered questions regarding the Penn Central merger. Before the merger, the New York Central was beginning to move out of its financial crisis. It was able to meet most of its current obligations without much difficulty. In other words, it was reasonably healthy. The Pennsylvania Railroad, on the contrary, was losing money during that same period of time, and it was basically a sick company and very short of cash.

The merger of those two operations resulted in a substantial increase in the market value of the stock. It did go up to over $80 a share, but that was probably based at least partly on speculation, certainly based partly upon reports which, at this moment, are open to question. Up to this time even the trustees in reorganization have not been able to unravel the situation.

A complete investigation of this matter has not been possible up to this time, and it is important to remember that management is no longer in control.

I would like to make another point which has been missed in the discussion here: There are groups of people who would prefer liquidation of this railroad. The Penn Central Co., which is the holding company, requested that we not proceed with this legislation. Very simply, an operating railroad which returns nothing on the investment may be less valuable to the stockholders and the holding company than a railroad which ceases operation. Of course, it would perform no service, but the fact remains that the stockholders and the holding company might be in a better position by having the liquidation and getting a part of their investment out of the liquidation.

There is also the idea on the part of some stockholders and some other people that nationalization would provide an alleviation of the stockholders' and the creditors' difficulties, in that they feel there would be a moral obligation, or even a legal obligation, requiring that after nationalization, if it did occur, the Government would make those investors whole. To a great extent, there are some of us who feel that the management and some of the creditors are certainly not entitled to be made whole, because of their prior folly.

Mr. BYRD of Virginia. When did the merger take place between the New York Central and the Pennsylvania?

Mr. HARTKE. It was scheduled for 1965, if I am not mistaken, and it was consummated, I think—the merger proceedings began in 1965, and it did not actually go into effect, I think, until 1968 or early 1969. I shall have that for the Senator in a moment.

Mr. BYRD of Virginia. Then the operation for the year 1968 was a profitable operation?

Mr. HARTKE. That is hard to say. It was reported as being profitable.

Mr. BYRD of Virginia. Well, do we not have to, unless we can prove the figures wrong, go by the official figures that are submitted?

Mr. HARTKE. No; too many of the figures have already been repudiated.

Mr. BYRD of Virginia. Repudiated by whom?

Mr. HARTKE. By the trustees in reorganization. The trustees in reorganization put very little value upon the bookkeeping procedures prior to their taking over.

The merger occurred in February 1968, that is when it was actually consummated.

Mr. BYRD of Virginia. What profit did the railroad show for 1968?

Mr. HARTKE. I do not have that.

Mr. BYRD of Virginia. The Senator does not have that?

Mr. HARTKE. I do not have that here.

Mr. BYRD of Virginia. Is it not correct that companies which are listed on the New York Stock Exchange or the American Stock Exchange—even over-the-counter stocks, for that matter—have to file detailed statements with the Securities and Exchange Commission?

Mr. HARTKE. Yes. They file with the ICC, too.

Mr. BYRD of Virginia. Also, in this case, with the ICC.

Mr. HARTKE. Yes. I do not have those.

Mr. BYRD of Virginia. Despite that, there is a view among the trustees that the figures submitted to the SEC and to the ICC were inaccurate.

Mr. HARTKE. The statement made by the trustees in the committee hearings was to the effect that those figures bore very little relation to the truth.

Mr. BYRD of Virginia. Frankly, I do not know how I would vote on this legislation if the roll were called right now. I think it is a difficult question to decide.

What I am trying to understand is this: Here is a company, or two companies, which at one time was profitable. The company now has assets of between $4 and $7 billion. Yet, the taxpayers are being called upon to bail them out to the extent of $125 million.

Mr. HARTKE. Let me say to the Senator that this is not just a unique situation with the Penn Central, although the Penn Central was probably the most aggravated and the most outstanding due to the fact that the Penn Central is the largest transportation company in the United States and the largest railroad system in the United States.

Two factors are involved. One is the question of profit and loss. Because part of the profits were paper profits and part of the revenue, even with the Great Southwest Corp., was reflected as profit but now is being written off as a loss. Second, that management is no longer there. Although I think there is no question that the entire operation of the Penn Central needs to be reviewed in depth, the old management is no longer there. We are talking here, as has been said many times before, about assisting not management, but trustees responsible under law to a Federal court.

As of now, the stockholders themselves are not in control of the operation. The creditors are in either a secured or unsecured position. Even some of the tax payments of the Penn Central to local communities throughout the Nation have been ordered held in abeyance by the court. The entire operation now is under the control of the court.

I point out that this bill is not intended to benefit and, hopefully, is drawn in a fashion in which there would be no benefit whatever to the stockholders or to the prior management or to anyone of that nature. We are attempting here, as I said earlier—and that is the sole concern—to provide for a service which is needed in the national interest.

Mr. BYRD of Virginia. I understand fully in that regard. But the fact is that, whether it is controlled by the court or controlled by the previous management or controlled by the stockholders, those assets are still there.

Mr. HARTKE. The figures the Senator has asked for are available in the committee. We have them on file with the committee. But they are of very little value to us now.

So far as the assets are concerned, the assets of the holding company or of the railroad company itself—the holding company is not in reorganization at the present time. Only the transportation company is in reorganization. The court and the trustees have attempted to get at every available bit of cash and every asset. They are attempting to dispose of nonrailroad assets.

So far as the final analysis is concerned, there is no question that this bill is drafted in such a fashion that the railroad would be required, before it would be able to obtain a loan, to make sure that all those assets would be used to the fullest extent possible to provide necessary operating cash.

Mr. BYRD of Virginia. If we are to have a bill, I like the way the bill is drawn.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were not ordered.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. HARTKE. I want to reiterate a point about the accounting procedures. The accounting procedures used by the company, as the trustees testified to us, tended to put the best light on everything. Those are their own words. The assets, of course, were valued at a figure which was most attractive so far as the public is concerned—not necessarily false, but, as I said, to make it appear that the railroad was in sound financial condition.

Mr. BYRD of Virginia. That is why the Senator from Indiana indicated that it was difficult to tell whether the assets were $4 billion or $7 billion or somewhere between.

Mr. HARTKE. I do not want to make the statement that the value is between $4 and $7 billion. It has been estimated that they have a value between $4 and $7 billion. For example, what is the value of Madison Square Garden if it went on the block tomorrow? I do not know. We might be able to say what its cost was originally. But the Penn Central has a 25-percent interest in Madison Square Garden. This is not something one can trade every day in the marketplace.

Mr. BYRD of Virginia. The bill as drawn impressed me as being well drawn and a bill calculated to protect the taxpayers to the greatest extent possible. It is not the bill itself that concerns me as much as it is the policy we may be establishing here and what is going to come after this.

As I recall, the distinguished Senator from Indiana mentioned earlier in the debate that the Penn Central—I believe he said the Penn Central, rather than all the others, not counting the other roads—the Penn Central alone will need between $400 million and $450 million in the next 3 years. Am I correct in my understanding?

Mr. HARTKE. The Senator is correct.

Let me elaborate on that. I want to comment upon this in regard to what the Senator from Arkansas has said. So far as establishing a precedent is concerned, this does not establish a precedent, if we refer to title V of the act of 1958. Under that act there was loaned $243 million. The Interstate Commerce Commission administered the guarantee provisions.

Mr. BYRD of Virginia. How much of that has been paid back?

Mr. HARTKE. A great deal of it has not been paid back. Some of it is actually in default.

I think it is only fair for the Senate to know that the entire transportation industry of this Nation is on the verge of collapse—financial collapse.

Mr. BYRD of Virginia. The Senator is speaking now not just of railroads but also of the airlines?

Mr. HARTKE. I think the airlines, the trucking industry, the railroad industry—all of them. We have a transportation crisis of major proportions on our hands, which is not being met; and I might say that I think too little attention is being given to it.

I think the strike itself, which was diverted by a 1-o'clock-in-the-morning decision, is a forerunner of some of the things we are going to have in the future. I am not talking about labor trouble or lack of labor settlements alone. I am talking about the financial condition of these transportation companies. Their primary concern is lack of available cash, the so-called cash flow. When they cannot pay their employees, no matter whether they have assets by the billions, when they do not have enough money on hand and cannot dispose of those assets in the marketplace, they have to go into bankruptcy; or, if they are a railroad, they go into reorganization.

I want it clearly understood that I insisted that the Interstate Commerce Commission report to us what railroads could have been eligible under the legislation to which the Senator from Virginia referred earlier, which was requested by

the Department of Transportation, and which had an aggregate loan guarantee authority of $750 million. The ICC said there were 16 railroads in the United States which might have qualified under that provision. There are only four today which would qualify under the bill before us. This gives the Senator some idea of how severely limited this measure is. But I do not want the Senator from Virginia to be under a misapprehension. I do not want him to come back in March, April, or May and have him say to me, "Well, I thought we settled that matter in December." We are not settling the matter. We are bailing out the Penn Central in effect, and I think that should be clearly understood, because I am convinced, as are the trustees and as are many other people, that unless we do take this action—and I think the Senator from New Hampshire and the Senator from Vermont and others would agree—the Penn Central will cease operations on or about January 8. Some would have us, the Congress, make the finding that cessation of service is imminent. We are not making that finding. We are laying down the criteria. The Department of Transportation would have to make the finding under these guidelines.

Mr. BYRD of Virginia. I might say to the Senator from Indiana, who consistently throughout this debate has made it clear, that this does not solve the problem——

Mr. HARTKE. That is right.

Mr. BYRD of Virginia. That this is only one step in a possible long-range solution of the problem. The Senator from Indiana has made it clear that far more—at least I understood him to say—far more public funds will be sought by Penn Central, or by the trustees of Penn Central in the coming months.

That is the part that disturbs me more than does this particular bill. As I understand it, we are getting into what we might call a bottomless pit when we analyze, as the Senator from Indiana has done, and assuming he is correct in the way he has analyzed the difficulties of some of the transportation companies, there will be no limit to the amount of money the taxpayers may be called upon to put up.

Mr. HARTKE. I think that is a fair interpretation but I add this one thought, it is hoped that money would not all have to come from Federal sources. It is hoped that some of the assets to which the Senator has previously referred can be freed. The trustees have assured me that they will continue to do just that, to attempt to divest themselves of present assets which are not necessary to the operation of the railroad. Included with that would be the Great Southwest and Arvita corp.; but not many purchasers for those items are readily available in the marketplace.

Mr. BYRD of Virginia. They should utilize those assets of the corporation before they begin to call upon the taxpayers. The bill does not——

Mr. HARTKE. In substance it does.

Mr. BYRD of Virginia. In each case the Secretary shall consider the feasibility of requiring the railroads to dispose of nonrailroad assets as a condition of a guarantee—the feasibility——

Mr. HARTKE. There is a reason for that, that in some cases we might force them to divest themselves of an asset at a ridiculously low price as a condition precedent to obtaining a loan. The trustees have assured me that they will make every effort to make this railroad self-sustaining.

Now there is also the possibility that if the railroad were required to divest itself, after January, there would be no purchaser whatsoever, or the assets might go at 10 cents on the dollar. On the other hand, certain assets are necessary which might in the longrun cost the Government and the railroad more money in divestment than if the asset were held.

Mr. BYRD of Virginia. In reading the letter of November 23 addressed to the chairman of the committee by Mr. George M. Stafford, the Chairman of the ICC, he says this:

We cannot say with any certainty whether bankrupt carriers would find a market for trustee certificates in the absence of Government guarantees. However, we feel that absent such Government guarantees, the trustees certificates could properly only be marketed, if at all, at such exhorbitant interest rates and other conditions as to make them unacceptable.

I hope we will not adopt legislation merely because a railroad, or any other company, must go out into the marketplace and pay the normal interest rates. All interest rates are high these days.

Mr. HARTKE. The Senator raises a good point. This question was raised in the committee and raised in the hearings and we, as a result of an executive session, instructed the trustees to come back with a prospectus to issue certificates to see whether they could not go that final step. However, when the examination of this proposal was made, it was found that there would not be anyone who would be interested in buying the certificates, that it would incur a substantial additional expense just for preparation of what would appear to be a useless gesture.

Mr. BYRD of Virginia. Does the Senator from Indiana have any indication what interest rate might be paid on the Government-guaranteed loans?

Mr. HARTKE. I have no idea. I would imagine within the neighborhood of other guaranteed loans of the Government at the present time.

Mr. BYRD of Virginia. I realize the great problem which the committee is seeking to handle, and I am rather distressed that we have to consider a bill of this magnitude on the 30th day of December, just a few days before the end of this Congress.

But it seems to me that the ramifications of this are such that whatever we do, whether we approve or disapprove it, the ramifications are great.

If we approve it, we set a precedent for future great demands on the taxpayers, and the difficulties facing the transportation system may be very great if we do not approve the bill.

I want very frankly to say that I am in a quandry as to what to do in regard to it.

I do not like the idea of a great big company with all of the assets it has, coming to the taxpayers and demanding that the taxpayers bail them out to the extent of $125 million plus interest, if they are in default on their loans.

But I think this, as I have said before, but I want to emphasize it again, that if Congress is going into legislation of this kind, the bill brought in by the Senator from Indiana and approved by the committee of which he is a member seems to be as restrictive as it appears possible to make.

But I cannot get out of my mind the fact that this great company has tremendous assets. I do not see why it is not logical to dispose of some of those assets and not have them come to the taxpayers to ask for this amount of money.

Mr. HARTKE. I want to thank the Senator from Virginia for raising these questions. They are questions which are on the minds of practically every one of us. We are in the position of choosing not what is the best approach but rather what is the least evil. As of now, so far as I am concerned, I think it is a greater evil to have the whole railroad operation of the Penn Central system stop operating while we are in adjournment. We are about where we were on the railroad strike, about in the same spot, only in this case, the whole system goes down because there is no cash.

Mr. BYRD of Virginia. Is it not correct that the trustees have stated they could not operate this far, yet they have operated this far?

Mr. HARTKE. The trustees have never made this statement. This is part of the difficulty. The statement, of course, was made in the committee by a financial officer of the former operation, a financial officer who is no longer with the corporation.

Mr. BYRD or Virginia. Mr. President, everyone coming before a congressional committee says, "Unless you give us all we want, we cannot survive for more than 10 days." Every governmental agency says, "You must give us every dollar we ask for or we cannot survive."

I was wondering if these people were not in the same category.

Mr. HARTKE. Mr. President, if I thought for a moment that the Penn Central could survive as an operation and provide this service even until the next Congress convened, I would not be in the position I am now or advocating the passage of this legislation today.

This is not something that I suggest. I am not happy to be here. I am here urging the Senate to pass this legislation based on the information available to me. I think that it is preferable to the other alternative. That alternative, in my opinion, is that we will have a major railroad system which will close its operation because it cannot meet the payroll roughly in the period after the first week of January 1971.

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

Mr. BYRD of Virginia. I yield.

Mr. BAKER. Mr. President, I say to the Senator from Virginia that I thoroughly agree with the recommendations made by the Senator from Indiana, bearing in

mind—as I am sure the Senator does—that this railroad is operated by a panel of distinguished trustees who are not chosen by the railroad stockholders or even the railroad's creditors or the public, but are appointed by a U.S. District Court judge who had a very precise set of requirements and responsibilities under the terms of the statute.

By the same token, some very precise responsibilities devolve on the trustees by reason of the statute requiring them to report to the court whether or not they can or should continue the asset—in this case the railroad—as a going concern.

The most that we, or the Commerce Committee, can do is to accept in good faith the representations of these trustees. The trustees came to us within a day or two after Congress acted. They said that as a result of many factors, including the wage adjustment, their cash balance—not their assets—would go negative, as they put it in, say, the first week in January. No one can be precisely accurate in that respect. But it would be in early January.

The point is that those of us on the Commerce Committee feel that we ought to trust the judgment of these distinguished Americans who are the trustees. We have no alternative except to trust their judgment. They are there and are close to the event. They are under statutory obligation to inform the court and us according to their best judgment.

They told us that if we do not do this or something like this, they will have to close the railroad while we are home on vacation. Closing down the railroad would be a terrible mistake. It would leave the steam generating plants in the Northeast without coal. Closing the railroad while Congress was out of session would be unconscionable.

I join with the Senator from New Hampshire and the Senator from Indiana in being most reluctant to be in this spot. However, we find that we have no other realistic alternative.

Mr. BYRD of Virginia. Mr. President, I concur in the Senator's appraisal of the trustees. I think they are distinguished Americans. I know that they were appointed by the court.

I point out that practically everyone that comes before a congressional committee is a distinguished American. Most of them are appointed by the President. That does not mean that we must follow them blindly. To do so would be a great disservice to the taxpayers—the wage earners who supply the money the Government spends.

I admit the trustees are distinguished Americans. I think they are very outstanding Americans. I think that they have a tough assignment. That does not mean that they are correct.

I did not have the benefit of reading the testimony before the committee. I would like to read the testimony. Is the testimony available.

Mr. HARTKE. The testimony is available. It is not printed. It is in transcript form.

Mr. BYRD of Virginia. Mr. President, I would like to read the testimony. I assume, however, that I would not have time to read it before the Senate acts on the legislation. However, I would like to read the testimony because this is an important matter.

This is a matter of grave national policy and one which can have very far-reaching consequences on our taxpayers and our Government. I regret that the time element is such that the committee hearings have not been printed and distributed.

Mr. President, I thank the Senator from Indiana.

Mr. HARTKE. Mr. President, I thank the Senator for a very informative discussion.

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

Mr. HARTKE. I yield.

Mr. ERVIN. Mr. President, I commend the Senator from Indiana for the very frank exposition he has made of this bill and of the reasons which prompt the committee to bring this bill to the Senate.

I have gotten somewhat rusty on my knowledge of receivership law and reorganization law. This is a tragic situation. Am I not correct in saying this railroad—the New York Central and the Pennsylvania which merged under the name of the Penn Central—has more passengers to haul than any other railroad and has more freight to haul than any other railroad in the country?

Mr. HARTKE. Mr. President, the Senator is correct. This is the largest transportation company in the United States. A great percentage of the trade on the eastern seaboard is hauled either directly or indirectly by the Penn Central Railroad.

Mr. ERVIN. Mr. President, as I understand it, when the Penn Central Railroad was placed in receivership by the U.S. district court, the obligation of the Penn Central to make any payments other than current operating costs was stayed.

Mr. HARTKE. The Senator is correct. Not only were they stayed, but after the filing of the petition for reorganization, there was a petition on behalf of the trustees to stay the payment of property taxes to local communities.

This has caused hardship for many local communities. The financial condition of the railroad was that bad.

Mr. ERVIN. Mr. President, under the order of the court, the trustees must use every penny of the current revenue to pay the current operating expenses of the railroad.

Mr. HARTKE. All of the revenue must be used for the operation of the railroad. Very little of it is going for any other purpose.

We have an unfortunate situation in that the revenues have declined. Part of that decline is due to the fact that the service which they were supposed to be able to afford has not been possible under the present financial conditions of the railroad.

Mr. ERVIN. Mr. President, what reasonable hope is there of bailing the Penn Central out of its present situation except through continued aid from the taxpayers if the Penn Central cannot pay its current operating costs out of current receipts, since it has no other obligations it has to pay?

Mr. HARTKE. Mr. President, their present situation is such that it takes all the money they can collect to operate railroads from their receipts.

I want to make one clarifying point. They also pay off equipment certificates.

The difficulty here very simply is that if these certificates are not paid off, there is the right of repossession by the equipment owners. The railroad would then be without the equipment with which to run the railroad.

Mr. ERVIN. Mr. President, as I understand the Senator from Indiana, there is a corporation which has assets of an undetermined value precisely, but its assets are certain to exceed several billion dollars, and we are told they cannot even borrow up to $125 million on those assets.

Mr. HARTKE. They cannot borrow that much or anything like that much.

I think that it has been very well established, that the encumbrances upon the assets are of such a nature and the potential for repayment is so poor that private assistance is just not available.

Mr. ERVIN. But under the law the courts have authority to authorize the trustees to borrow money for the payment of current expenses and make the obligation incurred for those moneys a lien which takes precedence over all other expenses.

Mr. HARTKE. That is correct. This is exactly what would be authorized by the court and in turn guaranteed by the Federal Government, and those certificates, in view of all the evidence, are not now saleable certificates.

Mr. ERVIN. The committee is assured by the trustees, I take it, that notwithstanding the fact that they have the possession of assets worth several billions of dollars, and notwithstanding the fact that the court has authority under the law to make any obligation the trustees incur for current expenses take precedence over all other obligations, they cannot borrow $125 million under those circumstances.

Mr. HARTKE. Unfortunately, that is the situation.

Mr. ERVIN. The only way they can borrow money is that they have to come to an institution, namely the Federal Government, which already owes $383 billion, and which will have to spend $22 billion additional for payment of interest on that obligation, in order to get help.

Mr. BAKER. Mr. President, will the Senator yield on that point?

Mr. ERVIN. I do not have the floor.

Mr. HARTKE. The Senator from North Carolina has the floor.

Mr. ERVIN. No, the Senator from Indiana has the floor.

Mr. HARTKE. No, the Senator from North Carolina has the floor.

Mr. ERVIN. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I wish to add this observation to the answers to the inquiries of the Senator from North Carolina by the chairman of the subcommittee.

I inquired of the trustees, of some of the officers of the previous management, as to why, with assets of several billion dollars, loans could not be negotiated on even a short-term basis to meet current operating requirements. The trustees indicated that they had attempted, on a

trustee certificate basis, to borrow money for these requirements that we are now concerned with.

I asked if my recollection of reorganization law was accurate in that trustee certificates, under the act, would be a first and prior lien on the assets of the bankrupt, superior to all claims except other costs of administration. The record of the hearings discloses they answered in the affirmative.

I asked them if it were not strange that with assets of several billion dollars, and the offer of a first lien on those assets, they could not borrow $125 million. They came back at a subsequent hearing and said that yes, it was strange but they could not do it for two reasons. One reason was that for money in that amount, would-be creditors, the lenders, were more concerned with how cash flow would be generated to permit debt service on the loan; and second, whether or not the railroads might be operated in such a manner that all assets were consumed in the cost of operation so that there would be nothing left with which to pay creditors.

The short version of that is, strange as it seemed to me and my colleagues, the trustees represented to us categorically and directly that even on a first-lien basis they had tried and had been unable to borrow the money without Federal guarantees.

Mr. ERVIN. It seems to me that what we are discussing is a matter of policy. The stockholders and creditors make their contributions for stocks, in capital stock, and in their loans to a company for the purpose of making a profit. Now, we have reorganization laws under which you can take one of these public utilities and squeeze everything out of it, all of the obligations. I hate to see things like that done. But between those who go in and buy stock in a corporation to make a profit, and those who make loans to a corporation for the purpose of making a profit, and those who are merely interested as taxpayers and have no take in it, it seems to me that it would be better to take that reorganization and let the loss fall upon the stockholders and creditors. I am talking about the old creditors. It would be better to do that than for the taxpayers to have to pick up the burden of private enterprise. I am not in favor of nationalization of the railroads. I think individuals can run anything better than the Government. I think individuals might be able to run the Government better.

I am not for nationalization but I think this business of everybody coming to the Federal Government to be bailed out of their financial worries is something we will have to face up to and I think the taxpayers are entitled to better representation in Congress than they get when Congress does those things.

Mr. HARTKE. This legislation provides no benefit to any creditor or any stockholder whose interest vested before the railroad went into reorganization. In fact, one of the conditions the legislation provides is that the certificates to which the Senator previously referred cannot be sold without a guarantee. That is a fact the Secretary must find. So this is not a benefit to a corporation. We are simply concerned with a simple fact of life. If what we believe is true, and I think it was the feeling of the committee members that it is true, the railroad is not going to be operating as a railroad the first week in January. The question is not whether you are going to take no action and still have a railroad. There will be no railroad.

Mr. ERVIN. How long have they been in receivership?

Mr. HARTKE. They went into receivership in June.

Mr. ERVIN. This proposition would appeal to me a little more strongly if the trustees had come to Congress and first submitted a plan of organization which would have the tendency to make it certain that the railroad could operate in the future free from all accumulated debts of the past.

Mr. HARTKE. They are. They have no obligation to pay that.

Mr. ERVIN. No, but it has not been reorganized.

Mr. HARTKE. No, there has not been a reorganization. That is not an easy matter.

Mr. ERVIN. I realize it is not an easy matter.

Mr. HARTKE. These trustees have been with this committee almost on a week-to-week if not day-to-day basis. I think they are doing the best they can to keep the railroad running. They have not asked for a handout, but only as a matter of last resort they have asked for the guarantee of a loan. I happen to prefer the direct loan but that has nothing to do with the basic question.

The question is, Are we going to have a railroad called the Penn Central operating in January, 1971? It is my opinion we will not unless this legislation passes. We will not provide any benefit to the old management, the old corporation, the old creditors, or stockholders or anyone else. We are trying to keep the coal going in the generating plants, the merchandise moving, and 40 percent of the railroad passenger service moving.

Mr. ERVIN. Do we have any reasonable hope or expectation—sometimes hope exceeds expectation—that if we pass this bill the Penn Central trustees will not be back in March?

Mr. HARTKE. To the contrary I want to make clear that we can expect them back and should expect them back, and I hope everyone understands this is not a panacea and it is not a cure-all. This is emergency legislation to keep the railroads going while Congress is in recess. That is all it is.

Mr. BYRD of Virginia. Did I understand from the Senator's reply to the Senator from North Carolina, which was similar to his reply to the Senator from Virginia, that the railroad cannot reasonably be expected to become self-sustaining under this legislation?

Mr. HARTKE. This legislation will not do that, and there should be no impression to the contrary. No one that I know of even contends that this legislation is going to make the railroad self-sustaining. Every evidence is to the contrary.

Let me reiterate what I said to the Senator from Arkansas. The trustees have said they are going to need approximately $450 million to keep them going in the next 3 years. That is to keep the operation going. Hopefully, that amount does not have to come from the Federal Government. But let us face it. We are dealing with a transportation crisis. We are dealing with the fact that if the Penn Central collapses, people and merchandise are not going to move and this country could be at an absolute standstill.

Mr. BYRD of Virginia. If the Senator from North Carolina will yield further for an observation, the legislation itself, on page 2, says that the trustees—

> Upon approval by the court, may apply to the Secretary for the guarantee of certificates. The Secretary, after consultation with the Commission, is authorized to guarantee such certificates upon findings in writing that . . .

Six items are listed. No. 5 is that "the railroad can reasonably be expected to become self-sustaining." And yet all of us say it cannot reasonably be expected to become self-sustaining under this legislation.

Mr. HARTKE. Not under this legislation.

Mr. BYRD of Virginia. That is what the legislation says must happen.

Mr. HARTKE. May I just clarify that point? If there were no hope, if there were no assurance, that the railroad could ever become self-sustaining, then this provision of the statute would prohibit that loan from being made. But the trustees have assured us that the railroad can become self-sustaining, that it can become viable, that if given time and some financial assistance, it can repay these loans with interest, and that it can divest itself of assets which are nonrailroad operating assets, and that they can produce a viable transportation company. That is the entire basis on which this bill is predicated. I would not want anyone to believe, infer, or think that this legislation would make any railroad self-sustaining.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, there are several matters "in the works" that might have an ameliorating effect upon the whole railroad transportation problem. One of them is Railpax, which legislation we passed a short time ago, whereby railroads will be able to relieve themselves of passenger service and make freight service self-sustaining and possibly put it on a profitable basis.

That is our expectation, is it not?

Mr. HARTKE. That is the expectation. The names of the directors of that organization have been submitted to us, and we have been able to act on that, insofar as the committee is concerned, just yesterday.

Mr. PASTORE. Is it not a fact that the Government guarantee constitutes a primary lien upon the properties of the railroads?

Mr. HARTKE. That is absolutely right.

Mr. PASTORE. So, in the event something eventually happens, if the property has to be taken under a nationalization program, the U.S. Government could be made whole; could it not?

Mr. HARTKE. There is no question about that.

Mr. PASTORE. Mr. President, will the Senator yield further?

I think what we are losing sight of in this debate is that this is stopgap legislation. It is emergency legislation to deal with a very, very serious situation that confronts the railroads, particularly those in the hands of trustees.

The Penn Central Railroad is a railroad that services the whole New England area. The New England and New York-New Jersey, Pennsylvania and Delaware area, I daresay, is the biggest contributor to the coffers of this country, more so than any other region of this country. There is a highly concentrated industrial complex in that part of the country. I am not boasting now; I am simply stating a fact.

If these railroads grind to a halt—and there is no question that that is likely to happen in the early part of January, and that is the reason they are in the hands of courts—do Senators realize the catastrophe we will have in this country, the number of people who will be out of work? If freight service comes to a halt, we can imagine what will happen to the industrial complex of this Atlantic seaboard region and, in turn, what will happen to the income of the U.S. Government?

I am not saying this ought to be an excuse for a handout. We all understand that. But this is an emergency measure.

The administration came before our committee and suggested that the Secretary of Transportation be given authority to loan money, with Government guarantees, up to $750 million.

Am I correct in that?

Mr. HARTKE. That is exactly right.

Mr. PASTORE. We thought that was going a little too far for the first bite. Not only that, but there was no time limit on it, and it was all left to the discretion of the Secretary of Transportation.

So what happened? Things got worse and worse and worse. So, finally, the Penn Central ended in the hands of the court. I have been the greatest critic of the sloppy way the Penn Central conducted its business. There is no question about that. I have already said that if we were going to give this amount of money as credit to the Penn Central, I would be against it. But we are actually giving it to the trustees who are mandated by the court to keep the railroad running. That is the question before the Senate, and the only question.

Does the Senate want the railroads that are in the hands of trustees to stop as of the middle of January, or does it want them to continue so that we can come back here to see what can be done on a permanent basis? That is what this is all about. We are trying to protect the Government as much as we can by giving it the first lien on the property. The money is going to be borrowed from private corporations on Government guarantees. They cannot borrow money now because they are mortgaged up to their necks. That is the reason why we have approved this measure from the committee.

That is about as simple as I can make it. That is about as simple as it is.

If Senators do not believe the railroads should run, then vote against the bill, but if they want to give them a chance by breathing a little life into them until we can come back here and see what can be done, I say vote for the legislation.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. BYRD of Virginia. The Senator from Rhode Island said the railroads are mortgaged up to their necks. With assets of $4 billion to $7 billion, what do the mortgages total?

Mr. HARTKE. There are cases in which the mortgage is probably higher than the present market price.

Mr. BYRD of Virginia. Total properties?

Mr. HARTKE. I am going to tell the Senator that that information is not totally available.

Mr. BYRD of Virginia. Then we could not properly say that they are mortgaged up to their necks when we do not know what that is.

Mr. HARTKE. But the assets are carried at a higher value than that at which they probably could be disposed of.

Mr. BYRD of Virginia. In certain cases.

Mr. HARTKE. In most cases I would estimate.

Mr. PASTORE. The point I make is that it is a sorrowful affair. I hope I am not being put in the position of being the devil's advocate. As a matter of fact, there is no one who has been more critical of them than I have been.

But we are not giving this to Saunders; we are not giving this to Perlman; we are giving it to the trustees. They have been appealing to us to do this in order to keep the railroad going. That is about all it amounts to, and I hope some Senators will realize how serious the situation is.

I do not approve of this awful situation. It is a tragedy in American transportation, and I do not want to be standing on this floor defending it. All I am saying is that the trustees have come before our committee, they have talked to me on the telephone, and they say, "Unless you do this, we have got to stop running the railroads." That is all it amounts to. I say to Senators, if you want to stop the railroads, vote against the bill. If you want to keep them running, vote for it.

I know Senators can pick this thing apart and make it look ridiculous, and I would agree with them. But that is about all I can say.

Mr. JAVITS. Mr. President, I ask unanimous consent to yield momentarily to the Senator from Kentucky without losing my right to the floor.

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

Mr. COOK. Mr. President, having made the remarks that I have in regard to this approach, let me, in many ways, back up what the Senator from Rhode Island has said, though it sounds rather strange for me to say this.

We have been listening to what a major industry apparently is about to obtain from the Federal Government, or what the Federal Government will ultimately obtain from the taxpayers. I think the points of the Senator from Virginia are well taken, and those of the Senator from North Carolina. But I think we are forgetting something.

We are forgetting the fact that an agency of the Federal Government had a great deal to do with this merger. An agency of the Federal Government had a great deal to do with the fact that when this merger took place, the New York Central and the Penn Railroad by virtue of the ICC had to start a mutual operation as the Penn Central the first year of merger. They had to do this while also trying to overcome almost a $400 million deficit. Also when they wanted to merge, the ICC made them take the New York, New Haven & Hartford, and made them pay royalties to other railroads because they had the open coal movement to Detroit, Cleveland, and Chicago, and also made them take furloughed employees back on their payroll. So we are not just talking about what a railroad has done to the American people, or what it is about to ask of the U.S. Government. We are talking about what the Federal Government has done to a railroad that carries a million tons of freight a day, and 300,000 passengers a day.

I do not like this bill, but I think we are overlooking these facts. I am sorry that the Senator from Arkansas is not here, but since he made the remark that all of this somehow or other is the railroads' fault, I think this ought to be cleared up. Because, there are some remarkable railroads in this country that are extremely profitable.

I might suggest that the hearings will show, if Senators will read them, that Mr. Perlman said this was never a merger, it was a takeover, and Mr. Perlman showed statistically that the New York Central never reached its debt limit during negotiations to merge, and that the Pennsylvania Railroad had to ask on three different occasions to increase its debt limit.

So I can only say that we must look at the whole picture. The Penn Central merger was a victim of the ICC. As a result of that victimization, the testimony will show that again Mr. Perlman said that when the B. & O. and the C. & O. were merged, either the Pennsylvania or the New York Central was eliminated from end to end service, and it became necessary to have parallel service in the eastern corridor of the United States. As of that day, Mr. Perlman said, he knew those railroads were dead.

Mr. PASTORE. I do not dispute anything the Senator has said.

Mr. COOK. I am agreeing with the Senator.

Mr. PASTORE. But the fact remains that the question before us now is, Where do we go from here? That is the question, is it not?

Mr. COOK. I agree with what the Senator is saying. My only point was that from some of the colloquy it appeared that somehow or other all the blame for this was being put on the railroads. It appeared that all of a sudden the railroads were asking for this, and were getting away with something.

Truly, they have been a victim of denial after denial of freight increases. They have been a victim to the extent that they have had to create and estab-

lish conglomerates. I think the Senator from Indiana will agree that they have been a victim of the very system that was created to make a viable railroad system, and had to go out and try to find other means to make a living. They have not been successful.

Mr. PASTORE. But will the Senator agree that there was a personality clash between Saunders and Perlman?

Mr. COOK. I would say that there was not only a personality clash between Saunders and Perlman, but that there was a personality clash between every employee of the New York Central and every employee of the Pennsylvania.

Mr. PASTORE. But when they went to the ICC to merge, they painted a rosy picture.

Mr. COOK. One of the ways in which they were victimized was that they were ordered to take over the New Haven. They tried hard not to, but that was one of the conditions of the merger.

Mr. PASTORE. But all that is past history.

Mr. COOK. I agree.

Mr. PASTORE. The point I am making is, now, today, What is going to happen after the middle of next month? That is what we are trying to solve here today. Recriminations will not solve anything this afternoon; it is a matter of a little bit of help to the trustees, to keep the railroads going for the sake of the public interest.

Mr. JAVITS. Mr. President, I would appreciate having the attention of the Senator from Indiana, as I intend to address myself to the matter of the bill before the Senate.

Mr. President, we are seeing but the tip of the iceberg in respect to this matter. The debate has certainly, I think, touched on some of it, but by no means all, and I speak from the following two positions: First, as the ranking member of the Labor and Public Welfare Committee, I have had to contend with railroad strikes for some years now, including one very recently which we are still in. All we have is a stay now, until March 1, which is the date we fixed—about a 60-day stay. The railroad unions may yet walk out, Mr. President.

The second thing which affects me is the condition of the money markets and the securities markets, which directly affect this bill. Mr. President, there is no question about the fact that notwithstanding the large assets of the lines—that is, the Penn Central lines—that by no means guarantees that they are going to be able to borrow money on trustees' certificates. As a matter of fact, the experience with lenders upon these trustee certificates has been rather unsatisfactory in many cases because it is a matter over which courts and appellate courts have jurisdiction. There are many claims, naturally, with respect to the operations of these railroads, including compensation and other hazards which they run. Hence, it is very understandable that without a U.S. guarantee, considering the depth of the problems that the Penn Central faces, the trustees will find themselves unable to borrow money, notwithstanding the first lien status of the trustee certificates.

I really think that, taking that point—and I know there is no doubt about its validity—it is very hard to see how we can fail to pass this bill if we want to keep the Penn Central operating. And the overwhelming evidence is that it would materially affect the economy if it stopped.

For example, there would be a 3-percent decrease in the gross national product 8 weeks after the railroad ceases operation, and an unemployment level for the Nation of 8 percent, rather than the present 5.9 percent, if the railroads should stop. In addition, it would be a very material blow to electric utilities, which depend very heavily upon coal transported by Penn Central. It would be a very material blow to manufacturers of all kinds, from iron and steel to consumer products. The Penn Central is the second largest grain hauler in the United States.

Mr. President, without these services, not only would our country be very materially injured, but also our national security would be very materially jeopardized. It is inconceivable that we could let the railroads stop. What would happen, in my judgment, without any question, would be a takeover of the railroad by the United States and its continued operation under those auspices—probably a very much more expensive thing than to make the guarantee of $125 million which is now contemplated.

So I do not think there is any question about the fact that this bill should be passed. I shall support it, and I hope the entire Senate will support it. Inasmuch as this is the very end of the session, I hope we will simplify our problems by adopting, insofar as we can, the House bill, so that the matter can be closed up and become law and the trustees can go ahead and borrow this money and keep the road operating, before we have a new Congress, with all that that implies in the way of delay due to the organization of both bodies.

As I said earlier, this is but the tip of the iceberg. The rest of the iceberg touches a number of matters. First, the general poor position of liquidity of the American business system. This is true not just of Penn Central but also many other corporations, including railroads. I hope many Senators will not become subject to a state of euphoria, for we have by no means surmounted the financial and economic crunch which this country faces. We have not effectively controlled inflation. It still goes on, roughly at the rate of 6 percent a year, which is a completely unacceptable level. We have not dealt with the tradeoff which is far too expensive in the way of employment, which is now up to 5.9 percent and could go to 6 percent and more. Even the most optimistic economists predict that.

We have not dealt with the international balance of payments, which is still seriously dangerous to us, including the callability of more than $20 billion in dollar obligations which are held around the world by many people and especially by the central banks of the world. We still have not overcome the grave competitive dangers we face in the world, with competitors, in a commercial sense, dashing ahead of us by virtue of greater automation and, in many fields, better technology.

Mr. President, these are very, very grave troubles faced by the United States. A very major trouble is the push upon wages, where inflation is being discounted as much as it is in interest rates, with a resultant increase in the cost of American productivity and severe damage to the American economy. Generally speaking, that does not promise well for our economy's immediate future.

With all those things facing us, a rationalization of the problem of the liquidity of American corporations, many of which find themselves incapable of borrowing in present markets, is very serious. I would seriously invite the attention of the Senate to the fact that we ought to be acting not just on the Penn Central but also on the general liquidity crisis in the country, and giving our Government officials a range of authority which would be great enough to head off disasters other than Penn Central, which could very well be impending tomorrow and for which we would be quite as unprepared as we were for Penn Central.

Seven hundred and fifty million dollars was requested as guarantee authority for transporation alone. It should have been granted, and we might have avoided the worst of this particular failure. Some $5 billion is suggested in a bill of my own, also as guarantee authority to provide liquidity generally to aspects of the American business system which render services essential to the public interest and the public security and which may very well tomorrow be in the same liquidity crisis that Penn Central is in today.

The second thing, aside from liquidity, which needs attention is the ultimate resource of the country in the event of stoppages caused by labor-management problems in respect of the railroads. I think it is shocking that at this late date we are still improvising ad hoc measures with respect to railroad strikes which can immobilize the railroads of the country.

Of course, it is very clear that an important problem which is faced by the trustees operating Penn Central is the wage increase which we, ourselves, were compelled to legislate as part of the way to head off a railroad strike which would have been, for all practical purposes, a general strike in the United States.

Mr. President, the other lesson we must draw from this bill is the fact that we urgently need legislation. And there is legislation before us—including an administration bill—I might add, on which we have not even been able to get a hearing in the Committee on Labor and Public Welfare, to deal with the danger of national paralysis strikes such as a railroad strike. I would certainly hope that Senators will take from the need for passing this bill on an emergency basis the deep lesson which is involved, and which requires action also upon a bill dealing with national paralysis strikes.

Finally, Mr. President, when I rose, I was going to discuss the very thing which was touched on by the Senator from Kentucky (Mr. Cook). Aside from our

contribution and our fault in respect of this whole matter, in leaving the United States without the needed kind of guarantee authority, and without laws to deal with the danger and threat of a national strike, such as a strike on the railroads, we now turn to the ICC. An examination in depth, I should like to advise the Senator from Indiana, the chairman of this particular subcommittee, is certainly required as to the responsibility of the ICC in bringing this particular railroad to its knees and to a liquidity crisis which could happen to others.

In addition to what the Senator from Kentucky has presented to the Senate, as to whether this merger, which was brought about in the way he described, was desirable or undesirable, we have the additional fact that the ICC itself is encumbered with almost as many work rules and old traditions and shibboleths with respect to the operations of the railroads and their rate structures, and so forth, as is true in respect of labor practices in so many aspects of the railroad industry, which we have been trying to rationalize for years. And the delay and the time it takes before filing a petition and getting action from the ICC is again a critical aspect of this situation.

I hope very much that the committee itself will look into this whole question of the contribution to the problem which the ICC is making in its own operations—probably unwittingly, except for the basic internal practices of the ICC and how it has operated for years in respect of the railroads and the health of the railroads.

The Senator from Arkansas (Mr. FULBRIGHT) has raised a pertinent inquiry. It may very well be that we cannot operate the railroads in the way we have been operating them. I yield to no one in this Chamber as an advocate of the private enterprise system or how it best serves the public interest or its critical essentiality to the freedom of this country. I know enough about that system not to want to see a breakdown. But in my judgment, we are asking the railroads of the country under private enterprise to carry an impossible task. That is why we organized Railpax. Whatever may be the objections to it, at least it is going at the central issue involved, and we may have to go further than that. We cannot shrink from the possibility that much of our railroad mileage may have to be taken over and operated in some governmental or quasigovernmental form.

I would strongly urge that we insist that this question be analyzed and studied, and that the Congress be briefed on it, and that we do not shrink from those decisions, especially for those Senators and Representatives who are the most heavily interested in seeing the private enterprise viable and successful. There is nothing more certain to break it down, to damage that system more, than failure. There is nothing that will help it more than success.

I think that this is a very serious case in point, and we should learn the lessons from this particular crisis which we face today. I thoroughly agree with the Senator from Rhode Island (Mr. PASTORE) that there is nothing whatever we can do about this crisis except to pass the bill. So that I hope the Senate will pass it.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill is open to amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time.

Mr. BYRD of Virginia. Mr. President, the Senator from Indiana has kindly given me the statement of the trustees balance sheet, January 1 and September 30, for the 2 years, both 1969 and 1970. I notice on the balance sheet an income statement where it is charged during the 9 months of 1970 a figure called miscellaneous income charges of $18,952,705.

The reason that figure stands out in my mind is that for the preceding 9 months of the preceding year, the miscellaneous income charges were only $2,009,752.

What I am wondering, whether the statement is really as bad as it appears to be, when the miscellaneous income charges were increased ninefold in one 9-month period.

Mr. HARTKE. I understand what the Senator is saying. However, I am not in a position to give a definitive answer to the Senator. I might call his attention to the fact that if he will go to the net income and net loss figures, it shows a comparable net loss of $49 million in 1969, in the same period, $233 million in 1970.

Mr. BYRD of Virginia. That is when we take into account the fixed charges. As I understand it, the trustees do not need to take into account——

Mr. HARTKE. I quite agree.

Mr. BYRD of Virginia. The fixed charges, so that the comparable figure, it would seem to me, would be a profit of $48 million against a loss of $124 million.

Mr. HARTKE. That is a fair figure, but even those figures will not hold up in the present situation, because it includes, in addition, other revenues which are not strictly operating revenues.

Mr. BYRD of Virginia. I realize, Mr. President, that the figures cannot be made available today, since we are at the end of the session and a vote is about to be had on the bill; but could I ask the committee to furnish me with the information on these miscellaneous income charges, which have gone up ninefold in 1 year under the trusteeship, and also if the committee would furnish to me the statement submitted by Penn Central as to its earnings, profits or losses, going back to the time the two companies merged, and also the earnings and statements of the Penn Railroad, separately, along with the New York Central?

Mr. HARTKE. Those figures will be provided. Let me say that Penn Central is the holding company and the Penn Central Transportation Co. is the operating company. I think what the Senator wants is the Penn Central Transportation Co. figures. We will be glad to supply them.

Let me point out that they have about 50 accountants working full time on the statements. That is part of the difficulty. If the Senator will read the comments, he will find that the trustees have been attempting to find out what the assets are, what the encumbrances are, and whether there is any possibility of a sale. There was a period, for example, where they could not find all their locomotives.

Mr. BYRD of Virginia. I appreciate the difficulty in a company as large as Penn Central, but if the committee could furnish me with these figures, I would appreciate it.

Mr. HARTKE. We will be more than glad to do that.

Mr. BYRD of Virginia. Was it not 170 holding companies?

Mr. HARTKE. Those were the holding companies in the Penn Central operation, that is correct.

Mr. BYRD of Virginia. I thank the Senator.

Mr. BELLMON. I would like to ask the Senator from Indiana a couple of questions that came to my mind during this debate. I understood by the statement made by the Senator from Tennessee that the trustees have known for something like 6 months that the railroad would not be able to meet its payroll or other operating expenses after the middle of January. Is that correct?

Mr. HARTKE. The trustees assumed their responsibilities in the early part of July—that is, they went into reorganization in June, and they were appointed the last week in July. They came in here immediately, giving us a quick assessment of their position. There was no question, they knew they were in bad financial difficulty. They had two purposes which caused them to come here, one was a reduction in revenues which they did anticipate, and the other was some added income which they did not anticipate but which carried them over to the end of the year. However, their cash flow will be in a negative position the first week in January.

Mr. BELLMON. The question in my mind is, if this company knew it was in this serious financial situation and would not be able to continue to provide vital service, why is it that rate adjustments could not have been made so that they would have had sufficient cash to continue operating?

Mr. HARTKE. Rate adjustments are not made basically on the railroad by the railroad. In other words, the Interstate Commerce Commission approves the rate increases.

Mr. BELLMON. And the ICC could not even make an exception in the case of a railroad that is about to become bankrupt.

Mr. HARTKE. The ICC has authority to establish rates. They can do as they please, but they did not do it. There is no authority in the Congress to direct such a change unless legislation is passed to that effect. Authority is within the ICC upon a petition from the parties. Sometimes the petitioning parties provide for combined rates. In some cases they have not. That is up to the Commission. The ultimate decision is up to the Commission.

Mr. BELLMON. Mr. President, did the railroad ask the ICC for rate increases?

Mr. HARTKE. Rate increases have occurred. There is a request pending at this time. It is anticipated that these will not provide sufficient revenue. The increase requested is industrywide.

Mr. BELLMON. Mr. President, if my information is correct, the airlines are losing perhaps $100 million a year or more. Does that mean that Congress follows a practice of bailing out insolvent transportation companies and that next year we may be asked to provide funds for the airlines?

Mr. HARTKE. There is no question that we may be; probably the chances are that we will be.

That does not mean that Congress has the obligation to provide the assistance. In my opinion this is not a precedent. This is simply a bailout operation, an emergency stopgap operation, to make sure that we have service going in the railroad business beginning in the first week of January.

Mr. BELLMON. Mr. President, some statements have been made on the floor today to the effect that this is not a bailout operation, that this is not money to put it on a sound operating basis.

Mr. HARTKE. I agree with that statement. This is a matter of keeping the railroad running while we are home, providing and assuming that we go home.

Mr. BELLMON. This does not solve anything.

Mr. HARTKE. This does solve the problem of providing for the continuation of railroad service for about 2 or 3 months at least, and that is about it, for the Penn Central.

Mr. BELLMON. Then what happens?

Mr. HARTKE. We will be faced basically with the situation that they have to find money some place or they will stop.

Mr. BELLMON. Is there a rate adjustment on its way?

Mr. HARTKE. It is pending at the present time. The railroad industry has had a 30-percent increase in rates in the last 3 years. The shippers are complaining and complaining bitterly that the rates are already too high.

Mr. BELLMON. The question coming to my mind is that this is not solving the problem, and if 2 months from now we are back where we started, where do we begin?

Mr. HARTKE. In the opinion I think of every member of the committee, if we do not pass this legislation, the Penn Central Railroad will stop operating in January. They will not be able to meet their payroll and they will stop operating and the country will be brought to a halt. Within 5 weeks, 3 percent of the production will be gone; and in 8 weeks, 5 percent of the production will be gone.

There are plants that generate electricity which will not be able to receive coal.

We are talking about the Penn Central shutting down in January. If that occurs, for the 16 Northeastern States and the District of Columbia, the Department of Transportation estimates that we will have a 5-percent decrease in the gross national product of this Nation by the 8th week, and 48 electric utility plants will be out of coal. There will be practically nothing moving in the Eastern United States.

Forty percent of the passenger train service of this country will come to an end.

That is what is involved. We have a potential shutdown. We are not choosing here what we will do about the railroad problem. We are talking here about what we will do about a threatened shutdown of the Penn Central.

Mr. BELLMON. At the same time we are getting Congress in the position of paying the freight rates that the customers of the railroad should be paying.

Mr. HARTKE. That problem is not in front of Congress at the moment. Very simply the authority to set rates is before the ICC.

Mr. BELLMON. And for 6 months they have not acted.

Mr. HARTKE. The railroads received a rate increase recently. And there is another one pending. They have had a 30-percent increase in rates in the last 3 years. The rate increase alone is not sufficient to salvage the railroad according to the trustees. And anyone listening to the testimony will agree that a rate increase may or may not increase total revenue, because if the rate increases, many shippers will move to other modes of transportation.

Mr. BELLMON. There are other modes of transportation available.

Mr. HARTKE. Trucks and airlines.

Mr. BELLMON. So a shutdown does not mean that the catastrophes mentioned in the report will happen?

Mr. HARTKE. Quite the contrary. It will happen. They cannot move as much coal in trucks as is necessary for 48 utility plants. It is impossible. Increased rates do not necessarily mean that the railroads will generate more revenue. There are a lot of commodities which, just as a practical matter, cannot be hauled by any other method than rail. Some commodities cannot be hauled in sufficient quantity other than by railroad.

The Penn Central transportation system is the biggest transportation system in the United States.

Closing it down means, for all intents and purposes, that they are closing down the transportation of the United States.

Forty-five percent of the perishable food is being moved by railway. If the railroad stops operating on January 9 or January 10, there is not any way to move that food. I think that anyone that thinks otherwise is kidding himself.

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

Mr. HARTKE. I yield.

Mr. PERCY. Mr. President, I think the comments of the distinguished Senator from Oklahoma are very penetrating. He has expressed some of the grave concern I have about this matter pending before the Senate.

I will cast my vote for the measure with about as much reluctance as I have had about any vote I have cast in the last 4 years in the Senate.

We are beginning down a slippery path, and I cannot see an end to the tunnel. I do not know what the answer is to the problem.

I am afraid that the Federal Treasury has been resorted to here and that it may be resorted to as the easy way out.

There is no easy answer to the problem.

Before casting my vote, I would like to clearly state that the present situation does not leave management with clean hands. There have been management errors in this picture in the past. There have been employee errors in that the labor unions have been unrealistic. They have had make-work programs. They have had unrealistic wage increases. They have gone far beyond the productivity increases.

I know it is very dangerous to criticize both management and labor in one breath. However, I certainly do in this case. I think we would be very neglectful if we did not also say that the heavy hand of Government has been involved in this industry and has strangled it.

The same thing is true of the airlines. They are regulated as the railroads have been regulated. We have treated the railroads as if they are a monopoly in the transportation area years after they had become one of the most cutthroat and competitive type of businesses.

The ICC is passing upon the matter and Government regulations are imposed upon an industry long after they should be, at a time when in any other nonregulated industry, management would have been free to move and move with dispatch if they saw changing conditions.

I do not want to just ring my hands and say, "What do we do about the situation?"

I would like to offer some hope for the future. But once again I point out that the hope for the future is right at this minute. The Government is strangling the railroad with one hand and dishing out money with the other to save the railroad. They are preventing action of a bold, imaginative nature that might be the salvation for the railroads.

The Chicago Northwestern Railroad has been a relatively efficiently run railroad. It provides good service. Although, it may not make a lot of money on investment, it has had some profit. Looking ahead, it is going to be in trouble, and the management of the overall holding company has worked with the employees to say to them, "We don't know whether we can ever get the kind of return on investment that the stockholders have to have."

They were asked, "How would you employees like to buy the railroad?" The employees have said, "We accept. We will buy the railroad." There is a big difference between people working for something that is their own and working for someone else.

I remember during the depression I lived above a delicatessen in an apartment building. One day I said to the owner, "Why do you stay here all the time? You never go home. You and the members of your family are always here. You are open on Saturdays, Sundays, and nights. Don't you have any fun?"

He said to me, "Chuck, you will recognize, if you ever own a business, that this is fun for us. As long as customers

want to come in here we will stay open because this is our business."

Mr. President, I took that philosophy from a delicatessen owner to my own company years ago and turned it into a profit-sharing company, with the largest portion of the stock in the hands of employees. What a difference it makes when the money being saved by employees is their own money. Twenty cents from every dollar went to them.

Here we have an imaginative and bold plan: Sell the whole railroad to the employees, and the employees say, "We will buy it and then watch us run your railroad." That may be the way to run a railroad.

But what happened? The ICC said, "This may be a bold new idea but there are an awful lot of things that have to be done. We have to have hearings." They are told, "OK, let's schedule them." But there are not even hearings scheduled. I say the ICC will have on its back the failure of an idea if they do not start to think on this matter. Let us see if we can find a better way to run a railroad. Here is a bold and imaginative idea and a group of unimaginative men are finding all sorts of bureaucratic reasons why they cannot go ahead to do this.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Sidetracked in Washington," published in the Wall Street Journal on December 28, 1970.

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

SIDETRACKED IN WASHINGTON

Some months ago a group of Chicago & North Western Railway employes proposed to buy their own railroad. At a time when many of the nation's railroads are in serious financial troubles, the idea surely was intriguing.

One of the major problems of the railroads is the continuing warfare between labor and management. If the two were in a sense combined, there might be a chance for a more peaceful and productive atmosphere.

Northwest Industries Inc., the present owner of the line, is also in a wide variety of other businesses and was receptive to the proposal. It seemed that the employes would at least get a chance to try their hands at running their own railroad.

There was a stumbling block, however. The sale must be approved by the Interstate Commerce Commission and the employes, anxious to get rolling, asked the ICC for speedy action. But that, apparently, is exactly what they won't get.

Recently the commission noted, correctly enough, that the proposal is "unique in railroad history." It went on to say that the deal required "as complete a record as possible." In view of the vast size of the ICC records in some other proceedings, this one may require the commission to build a new library.

The ICC, moreover, didn't even set a date for the first hearings. So the employees don't know when the commission will begin the proceedings, which in some past cases have dragged on for years. By the time the agency makes up its collective mind it's certainly possible that Northwest Industries will have changed its mind—either deciding not to sell or to sell to someone else.

We don't for a moment intend to impugn the motives of the ICC, most of whose wearying procedures are required by Federal law. When there's talk of the railroads finally winding up in Federal ownership, though, it is sad to see the employes' private-enterprise plan sidetracked in Washington.

Mr. PERCY. Mr. President, the title of the editorial is appropriate because of the barriers Government places in its way; Government, with one hand doing one thing to save a railroad, and unwilling to do anything with the other hand for fear of public criticism.

I say let us go head and see if we can save the railroads with imagination and innovativeness.

I support the bill, but I support the bill with tremendous reluctance, if there is no better answer ahead than for them to come to Uncle Sam and say, "Give us the money to put us back into business."

[Applause in the galleries.]

The PRESIDING OFFICER (Mr. SCHWEIKER). The galleries will be in order. Spectators in the galleries who are not in order will have to be removed from the galleries.

Mr. CHURCH. Mr. President, I shall vote against the pending bill, as much as it displeases me to have to differ with my good friend from Indiana. I think this is nothing other than a big business relief act. If we pass this bill, we set a precedent that will plague us for years to come. There is no way to differentiate between this company and other companies in public transportation.

If we are now to provide public money or public guarantees to keep an insolvent railroad going, then, in years to come, every insolvent railroad will come to Congress followed by every insolvent airline. There will be no end to it. If this is the course we are going to take, we might as well face it now. The Government might as well step in and assume ownership and operation of the railroads, and accept full responsibility for them. I do not think Congress is prepared to take that step. But this bill opens the door to that eventuality.

I oppose the bill.

THE BASQUE COMMUNITY OF SPAIN

Mr. CHURCH. Mr. President, I have just received word that Generalissimo Franco of Spain has commuted the death sentences imposed on six young Basque separatists. This is good news, indeed. I hope that this liberal gesture, coming as it does during this holiday season, is only the first step toward humanizing the Spanish Government's treatment of the 2½ million Basques residing within the country.

Yesterday, I announced to the Senate that I would submit today a sense-of-the-Senate resolution concerning the continued injustice, intolerance, and repression suffered by the Basque community. The action of the Franco government obviates the need to introduce the resolution, but to complete the record, I ask unanimous consent that the text of the resolution I had intended to offer appear at this point in my remarks.

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

RESOLUTION CONCERNING THE CONTINUED INJUSTICE, INTOLERANCE, AND REPRESSION SUFFERED BY THE BASQUE COMMUNITY OF SPAIN

Resolved, That the Senate hereby expresses its gravest concern over the continued injustice, intolerance and repression to which the Basque community in Spain has been subjected by the Government of that nation. This has been manifested most recently in Burgos where Basque civilians were tried by a military tribunal, which sentenced six Basques to death and nine others to a total of 351 years in prison. The harsh punishment dealt out, together with the method of the trial, has aroused sympathy and protest throughout the world.

Therefore, the Senate respectfully urges the President (1) to convey to the Government of Spain, with whom the United States has friendly and normal relations, the gravest concern of the Senate over this latest example of injustice and repression toward a minority; (2) to urge the Government of Spain to set aside the harsh sentences imposed by the military tribunal, and to furnish the accused with a new trial in an open civil court, and (3) to urge the Spanish Government to provide fair and equitable treatment to all Basque citizens residing within the country.

Mr. CHURCH. Mr. President, on December 4, 1970, I sent a telegram to Secretary of State William P. Rogers urging him to use his good and influential offices to encourage the Spanish Government to deal compassionately with the Basques on trial in Burgos. I ask unanimous consent that a copy of that telegram be inserted in the RECORD at this point.

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

DECEMBER 4, 1970.

HON. WILLIAM P. ROGERS,
Department of State,
Washington, D.C.:

I strongly urge you to use your good and influential offices to encourage the Government of Spain to deal compassionately with the 16 Basques now being tried behind closed doors in Burgos. The current trial is in full contradiction to well-established legal ethics and procedures treasured by democratic nations throughout the world.

The present ordeal is nothing new to the Basque peoples of Spain. For generations, they have been dealt with with intolerance and denied self-determination; now the Madrid government wants to strike again at Basque liberty, as it did in the 1930's when the Basque Republic of Euzkadi was ruthlessly wiped out.

In view of the relentless persecution of the Basques by the Franco regime as well as the close relationship existing between the Governments of the United States and Spain, Americans are watching the present situation especially closely. As you know, some of the defendants now on trial have close relatives in my State of Idaho.

I hope, therefore, that the United States Government takes all possible measures to impress upon the Franco regime its deep concern. I also hope that the Spanish authorities will exercise clemency and provide immediately the defendants an open and public forum, to which all human beings are entitled, so that justice under law can be achieved.

Urgent attention to this serious matter is appreciated.

FRANK CHURCH,
U.S. Senator.

Mr. CHURCH. I have stated on several occasions in the Senate my deep and abiding concern for the ill-treatment that the Basques, a noble minority people possessing rich cultural and historic traditions separate from the larger Spanish community, have received over the centuries. Madrid has often acted sternly, even cruelly, toward these people. I hope that the repression will soon end, so that the legitimate aspirations of the Basque

people might be realized. I also hope that all Spanish citizens will find the means to obtain a larger measure of individual liberty. A starting point, I suggest, would be an all-around appreciation for every man's and every race's uniqueness.

I ask unanimous consent, Mr. President, that a telegram I have received from numerous Idaho constituents today regarding the Burgos trial and the fate of the Basque separatists, be inserted in the RECORD at this point, along with the names of the senders.

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

BOISE, IDAHO, *December 30, 1970.*

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

Urgently request your influence that immediate action be taken through State Department to spare lives of six basques prisoners sentenced to death in Burgos, Spain.

Mr. and Mrs. B. Letamendim, Father Recalde, Father John Garatea, Edna Vazques, John B. Garechana, Segundo Nachiondo, Fidel Amorebieta, Jose Luis Koldobique Achabal.

Al Erquiaga, Mr. and Mrs. Ronald Sabala, Pete T. Cenarrusa, Urbano Totorica, Legundo Totorica, John Goscorrosca, Toni Arrubarrena, Sam Asumendo, Raudi Solosabal.

Juan Y. Oleaga, Muren X, Juqguin Renienteria, Jose Yuzar, Teodoro Totorica, Rufino Hormachea, Ramon Laizar, Paul Acorda, Tom Erquiaga.

Mr. and Mrs. Joe Solosabal, Ray Mansisdor, Mr. and Mrs. Nick Beristian, Mr. and Mrs. Bruce Lalley, Balbino Urizar. Un Basco, Mr. and Mrs. Henry Alegria, Al Berro, Frank Garro.

Debra Coscorrosca, Satur Etxeta, Ramon Menique, Pete M. Chertudi, Pedro Cengotita, C. T. Aquirre, Julian Garechana, Jimmy Abadia, Mr. and Mrs. Cecili Sarriugarte.

Mr. CHURCH. I also ask unanimous consent that newspaper articles pertaining to recent developments in Spain, prior to the commutation of the death sentences, be printed here in the RECORD.

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

[From the Washington Post, Dec. 24, 1970]

SPANISH ARMY IS MAKING BID FOR GREATER NATIONAL INFLUENCE

(By Anatole Shub and Miguel Acoca)

MADRID, December 23.—In the last 10 days, the Spanish army has made a bid for increased political influence. Through a series of back stage confrontations and arranged public demonstrations, the military has apparently maneuvered Generalissimo Francisco Franco into one of the gravest crises of his 31-year rule.

The pressure on Franco generated by senior military officers appears to have been sparked by a group of army captains.

While the personal position of Franco, 78, is not in question, hard-line army officers are attempting to halt the political relaxation that has taken place in recent years and to force changes in the composition of Franco's government.

At stake is the future of the moderate Opus Dei group of technocrats that has wielded increasing influence since 1957. With its policies of economic modernization and Europeanization, the harsher edges of the old totalitarian system were eroded. Spain at times seemed to be evolving toward a more tolerant regime.

Opus Dei (Work of God) is a worldwide semi-secret Catholic lay organization. Nowhere are its members as influential as in Spain. Opus Dei insists it has no political or economic philosophy, but many of its Spanish members are identified with economic liberalism. Many members are affiliated with powerful financial institutions.

Opus Dei seemed to have gained strong position last year in the power struggle for Franco's succession, discarding the old Falange (or former fascist party) and framing new plans for further political evolution. However, traditionalist army officers were increasingly dismayed by the relaxation of authority.

OPUS DEI

Opus Dei's position has now been swiftly undermined as a result of the controversial trial of Basque nationalists by a military tribunal in Burgos Dec. 3 to 9.

Even before the Burgos trial, there had been widespread grumbling in the army over government leniency toward student and worker unrest, reported corruption involving Opus Dei ministers, and low military pay scales which had been further eroded by recent inflation.

In September, irate army captains began to organize in small secret cells a movement that ultimately became known as the Junta of National Affirmation. The captains, most of whom are men in their mid-30s, were most frustrated by low pay and by the barriers to promotion posed by a top-heavy senior officer corps of Civil War veterans.

By the strict Spanish military code, the secret meetings of the captains—unprecedented in Franco Spain—were tantamount to sedition. It is impossible to determine how far their activities were sanctioned, or even inspired, by senior officers. Nevertheless, the captains drafted a six-point manifesto which, by early November, was signed by some 5,000 junior officers.

THREE DEMANDS

The captains' manifesto made three principal demands. First, the restoration of order and authority in the streets, factories, press and universities. Second, austerity and honesty in public administration—including thorough investigation of all fortunes accumulated through political influence since 1940. Finally, resignation of the present government (excluding Franco), appointment of a prime minister (provided for in the constitution) and installation of a new government with a clear program capable of realization within a year.

The unrest among the military was exacerbated by the Burgos trial, which thrust the army into an uncomfortable role. The various crimes of which the 16 Basque nationlists were accused—banditry, terrorism, and murder of a police official—fall under army jurisdiction under Spanish law. But the military resented government's handling of the case, which provoked widespread criticism home and abroad.

With the death sentence demanded for six of the defendants and with the trial exposed to world publicity, military men felt that the honor of the army would be sullied no matter what the outcome. Demands for clemency from Spanish bishops and pressure from foreign statesmen, heightened tensions. As protest over the trial escalated throughout Europe, the military feared strikes and demonstrations within Spain. In fact, there were some, but they were kept under control.

On Sunday, Dec. 13, at a cavalry school at Caravanchel outside Madrid, a group of 30 cavalry captains held a political meeting about the crisis. Senior officers were excluded. The captains drafted a letter to Franco demanding firm policies to defend the honor of the army, allegedly compromised by the government handling of the Burgos trial.

Word of the Caravanchel meeting quickly spread to other military units. On Monday morning, Dec. 14, some 40 artillery captains held a similar meeting and endorsed the cavalry officers' demands.

LETTERS FOR FRANCO

The third and perhaps most significant captains' meeting was held at general staff headquarters in the heart of Madrid. There, some three dozen general staff captains, after drafting a letter of their own, brought it to the chief of the general staff, Lt. Gen. Manuel Diez Alegria, for transmittal to Franco. Diez Alegria, far from rebuking his subordinates, is said to have remarked that their letter was not tough enough.

He is considered one of the most influential—and most enigmatic—figures in the Spanish army. He has been compared by American specialists, who regard him highly, with the late Gen. George C. Marshall. As chief of the general staff, he has operational responsibility for the defense establishment's Special Branches, which were to play a prominent role in subsequent developments.

Presentation of the junior officers' protests to Diez Alegria was somewhat unusual, since the normal channel would have been through the war ministry. On the same Monday, Diez Alegris was sought out by key captains-general—the commanders of Spain's military regions—who brought additional protest letters from junior officers.

OUT HUNTING

Word of the rising military unrest was quickly conveyed to Adm. Luis Carrero Blanco, the operating chief of government since 1967. A submarine officer before the Civil War of 1936–39, Carrero Blanco, 67, never returned to active duty in the navy but had served since 1940 in Franco's immediate entourage. Although a self-proclaimed authoritarian, Carrero Blanco is resented by military professionals as the "eminence grise" who gave the Opus Dei technocrats increasing power and sanctioned their policies.

Apparently alarmed by the military, Carrero Blanco notified Franco, who was out hunting, to return to Madrid and summoned an emergency cabinet meeting for 8 p.m. Monday. Key captains-general were asked to come to El Pardo, Franco's official residence at 7 p.m. While the captains-general met with Franco and Carrero Blanco, Prince Juan Carlos, Franco's designated heir, was suddenly called out of a concert and rushed to El Pardo to be informed of the decisions being taken.

The cabinet meeting quickly approved the suspension for six months of Article 18 of the Spanish constitution, guaranteeing habeas corpus. It is also believed that it was decided to delay a verdict in the Burgos trial, which had been expected that day.

Monday night's decisions were taken without Opus Dei's two principal leaders in the government, Foreign Minister Gregorio Lopez Bravo and Planning Minister Laureano Lopez Rodo. Both ministers, who have favored leniency at Burgos, were out of Madrid on official missions.

MASS DEMONSTRATIONS

Military ultras pressed their advantage on Tuesday the 15th, which civilian moderates consider to have been the crucial day in the struggle. Plans were already afoot for a series of mass demonstrations to support the army and the Burgos trial. In planning the demonstrations, the army worked with the so-called National Movement (Spain's only official political organization, which absorbed the old Falange or fascist party), and with army-subsidized groups of Civil War veterans and retired officers.

Eager to join the demonstrations were a number of extreme rightists fringe groups—including the Fuerza Nueva, the Falange splinter group, the sacerdotal Brotherhood of St. Ignatius of Loyola, (ardent opponents of liberal tendencies in the Catholic Church) and the Guerrilleros de Cristo Rey, an aggressive group of ultra-conservative Catho-

lics. All these groups strongly oppose Opus Dei.

Although Opus Dei leaders sought to prohibit the demonstrations, the military prevailed. Permission was granted for a giant rally on Wednesday at Burgos, under the auspices of the captain-general, Lt. Gen. Tomas Garcia Rebull, and army Special Branch officers moved in to control and orchestrate an even more ambitious rally announced for Madrid on Thursday.

ARMY LEAFLETS

On Tuesday night, pro-army leaflets were distributed from trucks in Madrid residential districts urging patriots to attend Thursday's demonstration. Nevertheless, even on Wednesday, when a notice of the Madrid demonstration appeared in a morning newspaper, Opus Dei leaders still hoped it might be restricted in scope. Both Lopez Bravo and Lopez Rodo were then back in the capital, but the military was moving too fast. The Burgos demonstration, originally scheduled for early evening, was moved up to the lunch hour. Army recruits in civilian clothing, and militants transported from the surrounding countryside by special buses assured a large turnout of 30,000 people in Burgos. That evening, the state television network featured a 15-minute program specially devoted to the Burgos rally.

By Wednesday night, there appeared to be a profound shift in the mood in Madrid. Government supporters hitherto hopeful of a "civilized" outcome for the Burgos trial, now began to say that one or more death sentences were inevitable. Official spokesmen stressed the conscientiousness of the court martial, the "convincing" nature of the evidence, and the inadmissibility of Spain's appearing to yield to foreign pressures.

By noon on Thursday, tens of thousands were already massed in Madrid's giant Plaza Oriente, facing the old royal palace. Among them were six units of the Madrid garrison in civilian clothing, reportedly some 10,000 youths. Government offices had been closed and numerous civil servants brought downtown by special buses. Private businesses were also asked to excuse employees to attend the rally.

FALANGE SYMBOLS

Mimeographed itineraries for the demonstration were distributed, along with the lyrics of the infantry hymn. While foreign observers were struck by the prominence of blueshirts and other Falange symbols, expert Madrid observers were more dismayed by the directing role played by plainclothes police and army Special Branch officers.

It was uncertain whether Franco would appear. Hovering above the 100,000 demonstrators in the square was Prince Juan Carlos, piloting his own helicopter. Worried police repeatedly asked him to identify himself, but the prince merely replied with his pilot number and call letters. Finally, the prince was identified and informed that Franco was coming and expected him at his side.

The crowd manifested its hostility to various government policies and tendencies, sang the Falange and infantry hymns, and frequently chanted "Franco Si, Opus No."

NONCOMMITAL FRANCO

Franco accepted the homage of the crowd without committing himself. He simply said, "As this is a state of law, we have solutions for all our problems."

After the demonstration, rightist extremists among the remaining demonstrators urged a march to burn down the moderate Catholic newspaper Ya. However, skilled organizers persuaded them to march on various foreign embassies instead. Except for a rock thrown through a window of the Italian embassy, Special Branch officers managed to prevent violence.

The success of the Madrid demonstration encouraged the army to stage others in garrison cities throughout Spain. The same techniques were used, except that in Cadiz on the Atlantic, the navy participated.

At the regular cabinet meeting on Friday, the armed forces consolidated their gains. Th meeting opened with a pledge of loyalty by Adm. Carrero Blanco to Franco, the armed forces, and Spanish institutions—a pledge which the government unanimously endorsed. The pledge included a condemnation of Spain's "eternal enemies" and the "Anti-Spanish campaign" abroad. Lopez Bravo was directed to lodge a formal protest with France over the "hostility" of its state television network.

The Friday cabinet meeting lasted unusually long. There have been few disclosures of what took place. However, many in Madrid believed a serious struggle was taking place, and that the Opus Dei group was losing. Foreign governments, sensitive to the mood of change, moved to contact high Spanish authorities to apprise themselves of the real situation. U.S. Ambassador Robert C. Hill obtained an audience with Prince Juan Carlos, while Adm. Elmo Zumwalt, U.S. chief of naval operations, met with Gen. Diez Algeria.

On Saturday, Lopez Rodo, the elder statesman of the Opus group, summoned key advisers to a meeting in the countryside. Lower-level Opus supporters were already openly pessimistic about their group's political position. The issues had by then moved beyond the Burgos trial. According to some reports, the military was now inclined to be more lenient in the Basque case because of its regained confidence. In any case, it was clear that—as one well-placed observer put it—"The crisis is no longer in Burgos, it is in Madrid."

Cabinet changes are not expected at once, if only because Franco has traditionally refused to make changes in moments of stress. Opus Dei supporters console themselves that Franco has often done the opposite of what was expected. Nevertheless, with Franco no longer as vigorously active as before, the military power-play of the recent days may constitute a claim to lead Spain in the post-Franco era.

On Monday, Carrero Blanco attempted to mollify the military in a speech to the Cortes Parliament, which according to well-placed sources had been hastily rewritten. Earlier he had been expected to announce further measures of political liberalization. Instead he inveighed against separatism, subversion and the "international Communist conspiracy." He praised the Falange and promised the army higher pay. (Earlier this year, a captain general who had publicly urged higher pay was promptly relieved).

Still unclear, are the long-term political aims, if any, of the various military groups beyond law and order and replacing the current civilian leaders. As one former high Spanish official put, "What is important and new . . . is that the army has begun to move."

SPAIN NEAR VERDICT FOR BASQUES

MADRID, December 23.—The delayed verdicts will be announced Saturday in the controversial military trial in Burgos of 16 Basque nationalists, six of whom could face the firing squad.

But the announcement today of the verdict timing, in the middle of the Christmas holidays, has led to speculation that the verdicts will include no death sentences.

A panel of five army judges has been deliberating their verdict for two weeks. Originally, the verdict was expected within five or six days.

Lt. Col. Nicolas Horta, investigating judge of the military court, telephoned defense lawyers' offices this morning and told them to be in Burgos at noon Saturday "in order to sign the acts of the trial." Normally, the signing of the trial acts, in the proceedings of military courts, immediately precedes the announcement of verdicts.

Government sources said the two procedures did not necessarily have to take place on the same day but indicated they had no doubt that this would happen.

Six of the accused, avowed Marxist-Leninist activists of the small revolutionary movement ETA fighting for a Basque socialist state, face possible death sentences for their alleged part in the murder of Inspector Meliton Manzanas, chief of political police in San Sebasian, in August 1968.

West Germany's honorary consul in San Sebastian, Eugen Beihl, was abducted from his home on Dec. 1 and is apparently being held as a hostage for the six.

The San Sebastian newspaper Diario Vasco (The Basque Daily) reported today that ETA had made three demands for his release: no death sentences at Burgos, the release of 37 ETA prisoners. and the lifting of border controls presumably to enable Beihl's kidnapers to escape from Spain.

[From the Washington Star, Dec. 25, 1970]

BASQUE SEPARATISTS RELEASE KIDNAPPED GERMAN DIPLOMAT

ST. JEAN DE LUZ, FRANCE.—A Basque sympathy movement in France said today kidnapped West German Consul Eugen Beihl has been released by Basque nationalists who abducted him Dec. 2.

Telesfor de Monzon, President of the Basque organization Anai-Artea, told a news conference, "at the same moment that I am speaking to you, the German consul in San Sebastian finds himself in liberty."

The announcement that Beihl had been freed by his kidnapers came three weeks after the diplomat was abducted by Basque militants who sought to force the Spanish government to be lenient with 16 Basques on trial in Burgos.

(In San Sebastian, Beihl's family said through a spokesman that news of the consul's release had turned "the worst Christmas in our lives to the best."

"As you can imagine, the wife and daughter of Mr. Beihl are really elated," the spokesman said. "But in order to complete their joy Mr. Beihl should arrive and embrace them.")

Beihl was interviewed by a French radio newsman last night who said Beihl was kept in a mountain hideout after he was seized.

VISITED IN HIDEOUT

RTL (Radio Television Luxembourg) broadcast what it said was a taped interview with Beihl "somewhere in Spain" by one of its correspondents.

The reporter said he visited Beihl in a hideout surrounded by Basque nationalists who hid their faces behind stocking caps and dark glasses and were armed with pistols.

Beihl was treated to a Christmas Eve dinner of oysters, broiled shrimp and pasteries, the newsman said. The French radio reporter said those foods were on the table in Beihl's blacked-out room when he visited the consul the night before Christmas.

DECLARED IN GOOD HEALTH

"Consul Beihl has been freed by the E.T.A. (Basque separatist organization) group. He is in good health somewhere in Europe," De Monzon said.

De Monzon indicated the Basque nationalist group demanded nothing in exchange for Beihl's release and the kidnapping had been carried out merely to dramatize the Basque cause.

But Basque sources said several days ago they might free Beihl in hopes the Spanish government would come up with lenient punishment for the men on trial without seeming to have been forced into such a move.

The prosecution had called for the death penalty for several of those on trial.

[From the Christian Science Monitor, Dec. 29, 1970]

BASQUES: VICTIMS OF HARD LINE?

(By Richard Mowrer)

MADRID.—"The situation in Spain is potentially so explosive that only the harshest repression can keep things under control."

That appears to be the conviction, held in high places, behind the stiff—even extraordinary—sentences imposed on 16 Basque nationalists by a military court in Burgos, northern Spain.

Six of the extremists were sentenced to the capital penalty—three of them being given double sentences. The others were given prison terms ranging from 6 to 70 years.

Even before the verdict, the trial generated protest demonstrations in many parts of the country—a development which worried the government.

Now the capital sentences, if carried out, are expected here to invite a strong outbreak of collective anger in the Basque region of Spain and perhaps elsewhere, bringing in its wake further stern repressive measures by the police and if need be by the Army.

WAY OUT SEEN

At this writing, two opportunities remained for avoiding what many have seen as a dangerous blunder:

First, the sentences must be confirmed by the captain general of the Sixth Military Region in Burgos: Lt. Gen. Tomas Garcia Rebull. It is not all that certain that he will do so.

The Army is known to have mixed feelings at having been given the unpalatable task of judging the 16 Basques accused of terrorism.

If General Garcia Rebull declines to confirm the sentences, the whole case will then be referred to the Supreme Judicial Council of the Army. This would delay and perhaps stop altogether execution of the sentences, pending a decision which might include a declaration of mistrial.

Second. Generalissimo Francisco Franco, as Spanish chief of state, has final say on the carrying out of capital sentences. He can commute capital sentences to life imprisonment.

However, the imposition of two capital sentences on one person could make the commutation of the sentences by General Franco, even if he is so inclined, technically impossible, in the opinion of legal sources here.

LIBERAL IMAGE IMPERILED

If any of the six is executed the Franco regime's bid to win acceptance in Europe will likewise be doomed, observers believe.

But between "liberalizing" itself to win approval abroad and chancing the loss of absolute control at home the Franco regime has always given priority to the latter in moments of stress, such as now.

The six sentenced to execution by a firing squad all stated that they were members of ETA, the secret Basque nationalist organization.

Five of the six—Eduardo Uriarte (double sentence), Joaquin Gorostidi (double sentence), Mario Onaindia, Francisco Javier Larena, Jose Maria Dorronsoro—testified at the trial before five military judges that they were Marxist-Leninists. The sixth, Francisco Javier Izco (double sentence), was silenced before he could reply.

The 10 given prison sentences included three women and two Roman Catholic priests.

The nine capital sentences exceeded the six asked for by the prosecution. Other of the sentences handed down by the court also were greater than those demanded by the prosecution.

[According to the Associated Press, most defense lawyers appeared stunned by the harshness of the sentences. The ruling of the military court said in effect that the court had accepted all of the allegations of the prosecution and none of the pleas of the defense.

[All those defendants accused of assassination of a political police chief denied the charges. Ivon de Navascues, one of the defense lawyers, termed the sentences "horrendous, monstrous, and horrible."]

[From the New York Times, Dec. 29, 1970]

SPAIN SENTENCES SIX BASQUES TO DIE, NINE TO LONG TERMS—VERDICT OF COURT-MARTIAL IS HARSHER THAN EXPECTED—EUROPEANS SHOCKED

(By Richard Eder)

BURGOS, SPAIN, Dec. 28.—Six Basques were condemned to death today by a military court-martial on charges of banditry and of complicity in the killing of a police inspector.

The sentences, issued in this icy upland city, were far harsher than had been expected even in Spanish political circles of the hardest line. Three of the death sentences were in fact double sentences, with the court deciding that the accused had committed separate crimes of murder and banditry.

[News of the death sentences evoked expressions of shock and pleas for mercy throughout Europe. A Vatican spokesman said reports of the news had been received with "profound emotion." He said the Holy See would continue its efforts to obtain commutation of the death sentences.]

COULD BE COMMUTED

To take effect, the sentences must be ratified by the commander of the Burgos military district, Lieut. Gen. Tomas Garcia Rebull. The Spanish Cabinet must then be notified, and at that point it is possible for General Francisco Franco to commute any or all of the sentences.

The death penalty imposed in Spanish courts-martial is carried out by firing squad.

In addition to the death sentences, the 15 accused—members or followers of the Basque separatist guerrilla organization known as ETA—received jail terms totaling 519 years 6 months 4 days. These ranged from a minimum of 12 years to a maximum, in two cases, of two death penalties plus 30 years in jail. One of two women among the 15 received a 50-year sentence.

SIXTEENTH DEFENDANT ACQUITTED

A 16th defendant, also a woman, for whom the prosecution had asked acquittal, was in fact acquitted. Eight jail sentences were lighter than the prosecution had asked. In several instances, however, including the double death penalties, the sentences were actually harsher than those asked by the prosecutor.

Nobody here is guessing as to what General Garcia Rebull or General Franco will do, or how long a decision will take.

The verdicts were issued at 4 P.M. at the red brick headquarters of the military region. The defense lawyers, who had entered in a cheerful, almost joking mood, emerged pale and almost unable to speak, clutching copies of the 60-page sentence. As word spread among Spanish and foreign journalists and observers gathered at a nearby hotel, there was also a sense of shock.

The shock is expected to be equally great throughout Spain when the verdicts are announced this evening. All comment in Spanish political circles over the last 10 days, including private forecasts by high government officials and by military sources, had ranged from no death sentences at all to one or two, with a virtual certainty of commutation.

CONSTERNATION IN BURGOS

Even in Burgos, an uncompromising garrison town that prides itself on its military spirit and loyalty to General Franco, there was some consternation. At bars and in the streets, people who were told of the sentences could hardly believe them.

A recent campaign in right-wing groups among the leadership and in their newspapers, glorifying the disciplinary virtues of the regime, demanding strict enforcement of public order, and attacking the foreign press, had seemed to have spent itself last week in a series of pro-Franco demonstrations across the country.

Solidarity having been affirmed, however, the press comment took a milder tone. Even far-right papers were talking peace and progress in recent days, along with justice and discipline.

The release of Eugen Beihl, honorary West German consul in San Sebastian, was another factor that suggested a relatively mild sentence. Mr. Beihl was kidnaped on Dec. 1 by an ETA group that announced it was holding him hostage for the lives of the accused in Burgos.

General Garcia Rebull who has expressed his own distaste and that of much of the army over being saddled with responsibility for the court-martial, could refuse to ratify the sentences. They would then go to the Supreme Court of Military Justice, where three to six months would be required for decision.

POSSIBILITY OF CLEMENCY

But if General Garcia Rebull ratifies the sentences, as seems likely, there remains General Franco's clemency. At the time when it was assumed that only one or two death sentences would be imposed, this clemency was almost taken for granted.

If the Government's intention is clemency, however, nobody here could see the logic of imposing nine death sentences first. The official position is that the Government had no knowledge or control of what the court-martial judges did. This is not widely believed.

Reaction in the Basque-speaking country is likely to be severe, unless commutation is announced before much time passes. There were reports this evening that the police had begun to make a number of preventive arrests in the area.

The last political execution in Spain was the shooting of Julian Grimau in 1963, which provoked a great international outcry including an appeal by Giovanni Battista, Cardinal Montini, Archbishop of Milan, who is now Pope Paul. The Vatican and at least four European countries—France, West Germany, Belgium, and Italy—have already made public or private appeals against execution.

Wide sectors of the regime and the army, not to mention the limited opposition, have indicated that they would be horrified by executions.

The Burgos court-martial was the regime's major blow against ETA. It began Dec. 3 and ended abruptly eight days later when the defendants staged a demonstration. Since then, the judges had been considering the verdict.

The guerrilla group ETA has been operating in the Basque provinces for the last five or six years with the twin goals of a separate Basque state and a socialist revolution. The group's initials stand for Euskadi Azkatasuna, or Basque nation and freedom.

The ETA organization, which probably numbers no more than 200 or 300 activists, has staged bank hold-ups, numerous small bombings, and other incidents. It planned and carried out—according to both its own and the Government's claims—the killing of a secret police inspector, Meliton Manzanas.

Those accused at the court-martial were arrested nearly two years ago in a series of round-ups. They admit belonging to ETA, though they deny holding leading posts in it, as the prosecution charges. They also deny

personal participation in Inspector Manzanas's death.

Inspector Meliton Manzanas was head of the political police in the province of Guipúzcoa. He was shot dead on Aug. 2, 1968, on the stairs leading to his apartment in the town of Irún on the French border. The killing, according to ETA leaflets, was a reprisal for the killing of an ETA activist, Javier Echevarrieta, in an encounter with the civil guard. Six of the accused, it was charged, took part in a meeting at which the slaying was planned and ordered.

THOSE SENTENCED TO DIE

The six sentenced to die today are Francisco Izco, 29 years old, a printer's helper; Eduardo Uriarte, 25, a student; Joaquim Gorostidi, 26, a labor leader; Francisco Larena, 25, a student; Mario Onaindia, 22, a bank employee, and Jose Dorronsoro, 29, a former seminarian. Mr. Izco was charged with having shot Inspector Manzanas; the others were accused of having taken part in the ETA meeting at which his death was ordered.

Mr. Izco, Mr. Uriarte, and Mr. Gorostidi were sentenced to death a second time on general charges of banditry. Some lawyers speculated today that they were given the additional sentence to justify the much-criticized role of the military court in conducting the trial. Military courts have jurisdiction in Spain's special legislation on "banditry and terrorism."

Two priests, the Rev. Juan Echave and the Rev. Julian Calzada, were sentenced to 50 years and 12 years respectively. Juana Dorronsor and Icar Aizpurua, wives of Mr. Izco and Mr. Gorostidi, were given 50 and 15 years.

The other sentences were 62 years for Jésus Abnisqueta, 70 years for Victor Arana, 12 years for Antonio Carrera, 50 years for Enrique Guesalaga and 30 years for Gregorio Lopez Irasuegui.

Maria Aranzazu Arruta, the wife of Mr. Lopez Irasuegui was acquitted.

In its sentence, the five-member military panel said it had been proved that ETA was a "separatist-Marxist-terrorist organization . . . whose purposes were to disturb public order, hurt the prestige of the Spanish nation and institutions, destroy by violence the organization of the state, dismember a part of the national territory by subversive actions, terrorism, armed warfare and social revolution."

It went on to find that the accused had been leading members of the group and had directed or participated fully in its activities.

Late today the Government issued a note it described as "unofficial," going over much the same ground, and outlining the details of the prosecution's case and the history of ETA.

[From the Washington Post, Dec. 29, 1970]

SIX BASQUES FACE DEATH; THREE GET DOUBLE SENTENCE

(By Miguel Acoca)

BURGOS, SPAIN, December 28.—The Burgos military tribunal pronounced death sentences against six Basque nationalists today. Three of the six received two death sentences each.

The unusual verdict was handed down after 19 days of secret deliberation. The trial had kindled Spain's gravest political crisis in 37 years, and the verdict was expected to renew pressure from foreign statesmen and the Vatican for commutation of the death sentences.

Almost at once, a spokesman for the Basque underground ETA said that if any of the six were executed its guerrillas would retaliate in kind.

The six were given death sentences for the murder of a police officer and three were also sentenced to death for "armed subversion." Nine other defendants—including two women and two Roman Catholic priests—were given sentences ranging from 12 to 70 years on charges of terrorism, possession of arms, illegal propaganda and illicit association.

Charges were dropped against one defendant who was already serving a prison term.

The death sentences must be confirmed by the Burgos military governor. Lawyers had until midnight to file objections. The military governor had no set time in which to confirm, reject or alter the sentences. If he confirms the death sentences, the chief of state, Generalissimo Francisco Franco, can commute them.

Shortly after the lawyers were informed, three of them went to see the defendants in the cold Burgos jail. The families of those sentenced to death prepared a written appeal for commutation to Franco.

The 105-page sentence contained a long indictment of the Basque underground, ETA (an acronym which stands for "Long Live the Free Basque Nation").

All 16 defendants admitted in court they were members of ETA. All admitted, also that they were Marxist-Leninists, and that they were fighting for a separate Basque nation in a socialist Spain.

The condemnation of ETA, a small group active in the Basque provinces, appeared to be a warning to the larger and moderate opposition, that the Spanish military is prepared to put down any organization which foments political unrest. The military, it seemed clear, intended to make an example of the Basques.

The tough military line was emphasized in the past two weeks by pro-Franco, pro-army and pro-tribunal demonstrations throughout Spain. Not in years had Spainards seen a similar show of support, which seemed out of proportion with ETA's challenge.

The military has blamed the present government—although not Franco himself—for the wave of protests against the trial and the long delay in sentencing. Qualified observers predicted a new showdown between the military and the government over the death sentences.

The tribunal found that all six for whom the death penalty had been asked were guilty of ploting to kill Meliton Manzanas, the chief of San Sebastian's political police in 1968. They found that Francisco Izco did the killing. The six were also sentenced to jail terms, and to pay Manzanas' widow $14,285 indemnity.

All six denied in court that they had anything to do with the murder. Their lawyers argued that the evidence against their clients was vague and inconclusive. The lawyers also managed to introduce allegations of police torture into the record.

The death sentences were a surprise to the lawyers, who emerged from the Burgos military headquarters with looks of amazement. They had expected a show of clemency because ETA had released on Christmas Day the West German honorary consul they had kidnapped before the start of the trial.

No lawyer could recall a similar verdict in the past. One of them said, "This is not a legal decision. It's strictly a political verdict. It's totally irrational."

People on the streets of Burgos, which was in a gay holiday mood, were incredulous when told of the tribunal's sentences. They thought it was part of the Feast of the Innocents, which is celebrated like April Fool's Day in Spain.

The lawyers huddled in their hotel rooms in teams to plan their strategy. Each had a bulky copy of the sentence, and studied it to make their objections. However, they have little recourses, and cannot appeal the sentences.

Civilian government officials telephoned foreign reporters to remind them that the sentences have yet to be confirmed by the military governor of Burgos. Spanish news agencies and newspapers, pointed out that it was possible for the military governor to reject the sentences and send them to the superior military tribunal for review.

A release issued by the ministry of information provided a resume of the tribunal's charge that ETA has relations with "revolutionary groups abroad, with Communist parties as well as with the embassies of Albania, Peking and others characterized by their animosity toward Spain."

The communique also enumerated "terroristic" activities of which the 16 defendants had been accused and listed the individual sentences.

The defendants themselves issued a statement from prison, through their lawyers. It said: "These sentences in no way affect our revolutionary morale. We expected nothing else from fascism."

Izco, 29, was given two death sentences, 29, Francisco Javier Larena, 25, and Mario Gorostidi, 26.

The other three men condemned to be shot by a firing squad were Jose Dorronsoro, 29, Farncisco Javier Larena, 25, and Mario Onaindia, 29. Maria Aranzazu Arrauti was acquitted.

News dispatches reported the following:

The death sentences brought immediate appeals for clemency from other European countries.

The official Soviet news agency Tass described the trial as a "disgraceful mockery of justice."

A spokesman for the Vatican, which had been trying to persuade the Spanish government to show clemency toward the Basque defendants, said news of the sentence was received "with deep emotion."

The spoksman, Federico Alessandrini, added: "The sentence is not yet formalized, and the interest of the Holy See, of which public opinion has been repeatedly informed, is continuing."

The governments of Sweden, West Germany and Italy instructed their diplomatic representatives in Madrid to express hope that the defendants in the Burgos trial would be treated with clemency.

In West Berlin, about 100 persons paraded through downtown streets shouting "Franco, murderer."

Leaders of West German and Belgian trade unions sent telegrams to the Spanish government expressing "dismay" and "horror" over the death sentences.

More than 200 demonstrators broke into the Spanish Embassy in Brussels and partially ransacked it. Chanting crowds gathered outside the Spanish Embassy in London.

France's two large labor organizations called for a work stoppage Tuesday to protest the verdicts. Demonstrations were also held in Toulouse and Bayonne.

In San Sebastian, Spain, Eugen Beihl, the West German consul who was kidnaped by Basque separatists and released Christmas Eve, said he was "astonished" by the death sentences, which he called "most severe."

[From the Washington Star, Dec. 29, 1970]

BASQUES PLEDGE TO RETALIATE FOR SPANISH DEATH SENTENCES

BURGOS, SPAIN.—Basque nationalists swore vengeance today against the military judges who sentenced six Basques to death and nine others to a total of 351 years in prison.

"There will be retaliation," one member of the Basque terrorist organization, ETA, warned after the court handed down the sentences yesterday. He singled out Capt. Antonio Troncoso de Castro, the legal adviser of the court-martial. Another ETA source said of De Castro: "He better have a bodyguard."

Denunciations of the death sentences and appeals for clemency poured into Madrid

from around the world, and Basque sympathizers and foes of the Franco regime held demonstrations in cities throughout Europe.

DEMONSTRATION VIOLENT

Some led to violence. In San Sebastian, the Basque capital on Spain's northern coast, youths roamed the streets last night overturning cars and smashing windows. A bomb exploded in front of the Spanish Consulate in Rome but caused no significant damage. More than 200 demonstrators broke into the Spanish Embassy in Brussels and ransacked some of the rooms.

Defense lawyers for the 15 Basques filed appeals to the military commander of Burgos, but it appeared unlikely that he would accept them. If he does not and signs the death warrants, only clemency from Generalissimo Francisco Franco, the Spanish chief of state, can stop the firing squad executions.

Franco, facing his worst crisis since the Spanish civil war, met with his cabinet to discuss whether he should commute the death sentences.

Announcement of the sentences brought new appeals for clemency from the Vatican and the governments of Italy, France, Austria, Denmark, Norway and Belgium.

U.S. POSITION UNCLEAR

There was no word from Washington of any intercession by the U.S. government, a major military and financial ally of the Franco regime. But Pete T. Cenarrusa, Idaho's secretary of state and of Basque origin, said the State Department told him it would "do something" if the death sentences are not commuted. Attention in Washington was concentrated on the sentencing of two Jews to death in the Soviet Union for plotting to hijack an airliner.

Denunciations of the Spanish death sentences came from the World Council of Churches, the International Commission of Jurists in Geneva, the Basque government-in-exile in Paris, and six French Nobel Prize winners.

Moscow newspapers published condemnations of the sentences under such headlines as "Cruel Sentence on Basques," "The Tyrants Passed the Sentence on Patriots," "The Sentence Must Be Abrogated," and "The Hangmen Must Not Get Their Way."

CONSUL "ASTONISHED"

Eugen Beihl, the honorary West German consul kidnaped by Basques in San Sebastian on Dec. 1 and freed Christmas Eve, said he was "astonished" at the court's "most severe" sentences. Many had thought his release would result in leniency by the court.

The six defendants sentenced to die were charged with killing Meliton Manzanas, Provincial political police chief in San Sebastian. Three of the six received double death sentences, and all but one also drew prison terms ranging from 27½ to 60 years.

The nine other defendants were charged with banditry, terrorism, possession of arms, disseminating illegal propaganda and illicit association in connection with the ETA terrorist movement to gain independence for Spain's three Basque provinces. Their sentences ranged from 12 to 70 years.

The court acquitted a 6th defendant who has been committed to a mental hospital.

The judges did not say why they gave double death sentences to three of the accused. One defense lawyer said it might be because the three were convicted of murder and banditry, both capital crimes.

[From the New York Times, Dec. 30, 1970]

FRANCO AND CABINET MEET AS CLEMENCY PLEAS GROW—ACTION ON BASQUES AWAITED

(By Richard Eder)

MADRID, December 29.—Generalissimo Francisco Franco met with his Cabinet in emergency session today amid a national groundswell of pleas for commutation of the court-martial death sentences imposed on six Basque guerrillas in Burgos yesterday.

The Cabinet met for three hours, then adjourned after waiting vainly for word from the commander of the Burgos military region. Lieut. Gen. Tomas Garcia Rebull, that he had ratified the sentences. Official sources said that General Franco and his ministers were prepared to reconvene tonight if the notification arrived early enough.

If General Garcia Rebull ratifies the sentences—as is expected—the Cabinet must then advise General Franco on commutation. Official sources said that General Franco and his ministers would probably meet tomorrow morning and make their decision. Presumably, General Garcia Rebull's decision will have been made by then.

If the Burgos commander does not ratify the sentences—death penalties were imposed on six members of the guerrilla organization known as ETA and long jail terms on nine associates—they go to a superior military court, where they might be tied up for at least three or four months.

The pleas of clemency were in no sense a campaign against the leadership. The opposition, though overwhelmingly supporting the pleas, was not prominent in promoting them today. On the contrary, it was the newspapers, ranging from extreme right to moderate, and all identified with the regime in one way or the other, that led the effort, with editorials asking that no lives be taken.

"The regime is strong and only the strong know how to forgive," said A.B.C. Other papers took the same position, arguing that the sentences had shown the Government's firmness and it could now afford to commute sentences.

Most of the leading political factions and a majority of the Cabinet appear to oppose the carrying out of the death sentences. Their imposition yesterday, beside shocking public opinion here, has stirred a storm of international protest.

Some ministers have said privately that they would resign if the executions were carried out.

It is still not clear, in view of the widespread sentiment within the Government against executions—and certainly against the six posed by the court-martial—how the verdict was reached.

One theory, which has gained support in view of the political difficulties raised by the judgment, is that the five-man panel, shut away for nearly three weeks, gave way gradually to the arguments of those of its members who took the hardest line.

Another, theory unprovable, is that there was pressure on the panel from certain right-wing generals.

Reaction in the Basque country to the court-martial decision was shocked anger. Several thousand Basque-speaking workers went on strike in Bilbao, and some 15,000 in the province of Guipuzcoa. Heavily reinforced police units patrolled San Sebastian, capital of Guipuzcoa, and there were some small demonstrations.

There was a tentativeness, though, to the Basque reaction. People seemed to be waiting to see whether the executions would actually take place. The same tentative note prevailed elsewhere, although numerous telegrams of appeal were sent to the Government by lawyers and other professional groups.

Reaction is slowed not only by the wait to see whether executions will take place, but also by the unexpectedness of the verdict. Speculation had ranged between no death sentences and one or two at most.

The Most Rev. Jacinto Argaya, Bishop of San Sebastian and the Most Rev. José Mariá Cirarda, Bishop of Bilbao rushed to Madrid last night to plead for clemency. They are reported to have seen the justice minister.

LETTER REPORTS HOPE TO DIE

ST. JEAN-DE-LUZ, FRANCE, December 29.—One of the Basques condemned to death at Burgos wrote to his family saying all six men facing death by firing squad want to die for their cause, a Basque organization said here today.

The Anai Artea association here said that the letter, smuggled out of prison, said in part: "We hope that we will not be granted reprieve. We are revolutionaries. We want to die for the dignity of man and the freedom of our Basque country."

The association refused to name the man who sent the letter.

Anai Artea, based in this town near the Spanish border, said earlier this month that it was acting as intermediary for the Basque organization ETA in negotiations that brought about the release of the West German Consul, Eugen Beihl, who had been kidnapped from San Sebastian.

EUROPEAN PROTESTS MOUNT

As governments throughout Europe appealed to Spain to spare the lives of six Basque separatists condemned to death, the conviction of the Basques prompted work stoppages, boycotts and other acts of protest yesterday.

Among the appeals for clemency was one from Britain, whose Foreign Ministry had earlier maintained, through a spokesman, that the matter was an internal Spanish question.

Sir Alec Douglas-Home, the Foreign Secretary, authorized a statement saying that Britain had learned of the sentences "with deep concern." The Government added that it was "confident" that Generalissimo Francisco Franco would "take humanitarian considerations into full account."

Harold Wilson, leader of the Labor Party opposition, also issued a statement saying in part that the execution of the Basques would mean that "Spain will be taking a terrible step back into the past." Appeals for clemency also came from the British Council of Churches and the British section of Amnesty International.

In Dublin, a spokesman for the Irish Foreign Ministry said: "An approach concerning the death sentences is being made through diplomatic channels."

In Rome, sources in the Foreign Ministry said that Italy's Ambassador to Spain had orders to express his Government's hope "on humanitarian principles" that the Basques would be spared. A former Premier of Italy, Mariano Rumore, as president of the World Union of Christian Democrats, sent General Franco a telegram asking revocation or commutation of the death sentences.

In the Vatican, the official spokesman, Federico Allessandrini, confirmed "that the action of the Holy See is continuing." Other Vatican sources indicated that Pope Paul VI might take the unusual step of telephoning an appeal to General Franco.

In Rome, a bomb hurled from a passing car slightly damaged a plaque on the door of the building housing the offices of the Spanish military and commercial attachés. And in Genoa, Italian longshoremen staged a 24-hour boycott against Spanish and Soviet ships yesterday to protest both the Spanish sentences and those handed down in Leningrad against 11 defendants nine of them Jews, in the planned hijacking of an airliner. The longshoremen refused to board one Spanish ship and two Soviet vessels.

GENOESE STRIKE

About 10,000 Genoese industrial and commercial workers struck for two hours in a separate protest against the Spanish sentences.

In France, tens of thousands of workers held flash work-stoppages—supported by all leading labor organizations—that halted some railroad and subway trains and shut

down automobile and airplane assembly lines, among others.

Two protest rallies in Paris, one at the Place de la Bastille and the other on the Place Clichy, drew several thousand demonstrators last night. In the course of the Bastille rally protesting the verdict in Spain, fire bombs were hurled at branch offices of two state-owned banks.

A demonstration also took place last night in Bayonne, the most important city in the southwestern Basque area of France. At least 4,000 people marched on the Spanish consulate carrying banners with such inscriptions as "Franco Assassin."

Maurice Schumann, the French Foreign Minister, said in an interview with the state-run radio network that the French Government was "neither insensitive nor inactive" with regard to the Spanish situation even if it was being discreet.

PROTESTS IN GERMANY

Youthful demonstrators in West Berlin and Hamburg chanted "Franco murderer" as they marched in protest.

All demonstrations were banned in Caracas, Venezuela, as a precaution against disorder. However, President Rafael Caldera of Venezuela sent a plea for clemency to General Franco. Venezuelan airport ground crews and union members have threatened never again to service Spanish airliners if the sentences are carried out.

In the United States, the sentences brought a protest from Gov. Paul Laxalt of Nevada, who is of Basque descent. Mr. Laxalt, in a telegram to General Franco, said he did not condone "the tactics of terrorism," adding: "But on the other hand, I must speak out as an American citizen against any verdicts of a closed military trial."

Gov. Don W. Samuelson of Idaho, which has about 12,000 residents of Basque origin or descent, has asked the State Department to intercede on behalf of the convicted guerrillas.

[From the Washington Post, Dec. 30, 1970]

FRANCO CONSIDERS VERDICT ON BASQUES

(By Anatole Shub and Miguel Acoca)

MADRID, December 29.—Spain's political crisis moved toward a climax today as Generalissimo Francisco Franco convened the highest state officials to consider the verdict in the Burgos trial of Basque nationalists.

Franco first held an emergency meeting of his cabinet, then summoned an extraordinary session of the so-called Council of the Realm—a supreme consultative body of army church and parliamentary dignitaries.

A communique after the cabinet meeting said that the government had "exchanged views" on the sentences passed at Burgos, where nine death penalties were imposed on six of the 16 defendants yesterday. The cabinet decided to meet again as soon as it received formal ratification of the sentences by Lt. Gen. Tomas Garcia Rebull, military governor of the Burgos region.

However, late tonight, military officials at Burgos said they could give no information as to whether Garcia Rebull would ratify the sentences or dissent from the verdict and refer the case to the Supreme Military Tribunal in Madrid.

The Council of the Realm, as is its practice, issued no statement. Observers believed, however, that in summoning the council, Generalissimo Franco was seeking the broadest range of advice as to whether he, as chief of state, should commute the death sentences if Garcia Rebull ratifies them.

EDITORIALS URGE CLEMENCY

A majority of the cabinet, according to informed sources, favored commutation. The sentiments of civilian officials appeared to be reflected by editorials urging clemency published today by influential Madrid newspapers.

However, the big question seemed to be whether elements in the Spanish military establishment would continue to press, as they have been doing in recent weeks, for "making an example" of the Basque "terrorists."

Moderate civilians here were still shocked by the harsh verdict of the Burgos military tribunal. The verdict was viewed as a challenge to Madrid political leaders, because even Franco will find it more difficult to commute nine death sentences than the expected two or three.

There were conflicting reports on what was going on within the Spanish military. In recent weeks, a movement of activist junior officers has campaigned for a general crackdown on oppositionists and dissidents in Spain.

While some senior generals are reported to have encouraged their movement, others were reported today to be touring various Spanish garrisons in an attempt to calm the junior officers. According to one informed source, Franco himself has been seriously disturbed by what European newspapers have been calling "the revolt of the captains."

There were unconfirmed reports today that troops had been confined to barracks in Barcelona and elsewhere.

MOUNTING PROTESTS

Today's high-level consultations took place in the face of mounting protests over the Burgos verdict in Spain and abroad. In the Basque province of Guipuzcoa, nearly 10,000 workers went on strike, today defying the state of emergency regulations decreed in their province Dec. 1. Last night, in San Sebastian, police broke up attempted demonstrations against the verdict, in which young Basques carried placards, blocked traffic and broke windows.

Protests outside the Basque provinces were peaceful, and led by prelates of the Roman Catholic Church. The archbishop of Barcelona, Marcelo Gonzalez Martin, was one of numerous church leaders to appeal to Franco for clemency.

The bishop of Albacete, Irineo Garcia Alonso, issued a pastoral letter which went beyond the Burgos case to challenge one of the principal dogmas of Franco's hardline supporters. He said it was erroneous "to continue to think that we as people can only choose between dictatorship and anarchy." Fear of Chaos, or a new civil war has been a major justification here for authoritarian rule.

Appeals for clemency also poured in from abroad, with the British, French, West German, Italian and other European governments—as well as the Vatican—among those formally urging commutation of the death sentences.

YEAR-END ADDRESS

Franco is scheduled to make his traditional year-end address to the Spanish people Wednesday evening. There has been no indication, however, of whether he will use the occasion to announce his decision on the Burgos verdict, or merely refer to it in general terms.

High officials here hesitated to predict how Franco will ultimately decide. They stressed that pressures from abroad—and particularly the campaign launched in the last few days by the Soviet Union and its followers—might well be "counterproductive," leading the regime here to "affirm its national independence" by rejecting clemency appeals. The absence of any pressure for clemency on the part of the U.S. government, Spain's most important military ally, has also been noted.

Furthermore, the Burgos trial itself has become intertwined with more complex political struggles, involving factions within the government as wel. as within the military. Franco has traditionally ruled by maintaining an intricate balance among competing pressure group.

LETTER SAYS BASQUES DON'T SEEK CLEMENCY

A letter purporting to be from one of the six men condemned to death by a Burgos court-martial for complicity in the August, 1968 murder of the political police chief of Guipuzcoa Province was made public last night in St. Jean de Luz, France, across the border from Spain's Basque country.

"We strongly hope that clemency will not be accorded," said the letter released by leading Basque spokesman Teleforo de Monzon. It continued: "We are revolutionaries. We wish to die for the dignity of man and the liberty of our Basque lands.

De Monzon said he believed the writer expressed the spirit of the other five condemned men.

DECEMBER, 30, 1970.

VATICAN CITY.—Pope Paul VI said today the trials of Basques in Spain and Jews in the Soviet Union were among the causes contributing to a "disease of disorder" assailing the modern world.

The 73-year-old Roman Catholic pontiff, addressing his weekly general audience in St. Peter's Basilica in his last speech of the year, referred to "certain judicial proceedings." Vatican sources said there was no doubt he was referring to the controversial Burgos and Leningrad trials.

The pontiff said the world is troubled and uneasy about "the persistence of war in various parts of the world, certain judicial proceedings which have so moved world public opinion, the state of social tension in various nations, delinquency and violence, the many cases of robberies, blackmail, injustice, torture, extortions and crime."

Because of all these things, the Pope said, "the world seems to be assailed by the disease of disorder, by false legality, by criminality, by the pseudo-politics of force, by demagoguery, by systematic protest and by the mercantile and military race of armaments."

"This is not peace, it is not civilization, it is not christianity," the Pope declared.

DECEMBER 30, 1970.

BURGOS.—Generalissimo Francisco Franco tonight commuted the death sentences of six basque nationalists convicted of murder and banditry, the ministry of information announced.

The announcement said the sentences had been commuted to "the next highest sentence passed." The next highest sentence passed by the burgos military court was 72 years.

Franco planned to explain his action in a year end address to the nation tonight. He has been under mounting pressure from European governments and the vatican to commute the death sentences and faced possible widespread unrest in northern Spain if he did not.

There was immediate reaction from the vatican which said it heard of the commutation with "enormous relief."

Franco took the action after a special meeting with his cabinet and the council of the realm, and advisory group made up of parliament members.

The official news agency Cifra announced the verdict by flashing the Spanish word for pardon "Indultados. Indultados. Indultados."

The men themselves were awaiting news of their fate in the central prison of burgos, in cells with paneless windows and temperatures at the freezing point.

COMMUTATION OF DEATH SENTENCES ON BASQUE NATIONALISTS

Mr. KENNEDY. Mr. President, earlier today General Franco commuted the

death sentences recently imposed on six Basque Nationalists by a military court in Burgos, Spain. I just wanted to express my own personal relief in hearing this news, and commend the Spanish Government for this measure of compassion in reviewing the court's decision. Let us hope this action sets an example for all governments, and marks a turn away from the violence of official executions and political terrorism toward mutual respect and reason on the part of all.

THE SENATE STANFORD ALUMNI AND THE ROSE BOWL GAME

Mr. METCALF, Mr. President, this is a rather light interlude in today's debate. I am going to talk about the New Year's Day football game. Apparently both Stanford University and Ohio State can move the ball better than the Penn Central can.

Day after tomorrow Stanford University will represent the West in the annual Rose Bowl game. This year Ohio State returns with its formidable team and an unbeaten record. Stanford comes into the Rose Bowl with three defeats and Las Vegas odds of 14 points against it. But over the season Stanford has won the big ones and has come through when the chips were down.

Here in the Senate we have five Stanford alumni. The distinguished Senator from California ALAN CRANSTON, Senator FRANK CHURCH of Idaho who doubled at Stanford as an undergraduate and in law school. The roster is completed with PAUL FANNIN of Arizona, MARK HATFIELD of Oregon and I. Five Senators from five different States, two Republicans and three Democrats but all on a New Year's Day pulling for our team.

Under the leadership of Heisman Trophy winner, Jim Plunkett, the great Stanford quarterback, we predict that the Stanford team will triumph. When the Tournament of Roses parade is over and the crowds file away from the Rose Bowl they will be talking about the upset victory of Stanford over unbeaten Ohio State. They will be singing the praises of the Stanford defense and extolling the prowess of the Stanford offense. Ohio State will no longer be unbeaten and untied.

To show our confidence in the ability of our Stanford team the Stanford alumni in the Senate today sent the following telegram to the Stanford football team.

STANFORD UNIVERSITY INDIANS,
Athletic Department,
Stanford University
Stanford, Calif..

The five Stanford Senators wish our football team the best of luck in the Rose Bowl Filibuster on the goal line. Vote do not pass on their "air" attack and raise points of order after field goals and touchdowns. We are looking to you to bring the Ohio State scalp back to our Indians on the farm. All good wishes and sincere congratulations for a magnificent season.

Senator ALAN CRANSTON,
Senator FRANK CHURCH,
Senator MARK HATFIELD,
Senator PAUL FANNIN,
Senator LEE METCALF.

EMERGENCY RAIL SERVICES ACT OF 1971

The Senate continued with the consideration of the bill (S. 4595) to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

Mr. PROUTY. Mr. President, we all know the bill before us is a temporary stopgap measure.

I intend to vote for the bill, simply because we cannot afford to risk a disruption of the national economy because of a complete shutdown of the Nation's largest railroad.

Quiet frankly, Mr. President, I much prefer the amendment introduced by the distinguished senior Senator from New Hampshire (Mr. COTTON).

His proposal was meritorious not only because it avoided the risk of establishing a specific format for future loans, but also because it directly faced up to the problem we created in our last hastily conceived effort at railroading.

You will recall, Mr. President, that on December 9, both bodies of this Congress stayed in session until the early hours on the morning of December 10, in order to head off a national railroad strike. We held 1 day of hearings on legislation postponing a strike and imposing a wage increase. During those hearings I told Secretary Hodgson that I have reluctantly reached the conclusion with respect to labor disputes which have an adverse effect on the national interest that if collective bargaining fails Congress may have no alternative but to pass permanent legislation requiring compulsory arbitration.

I do not relish the idea of compulsory arbitration in any area of labor-management relations. Collective bargaining is a national tradition which has served us well in most cases. In railroad management-labor bargaining, however, Congress has become a regular party. We simply do not have the time nor expertise to mediate every labor-management dispute for the railroad industry.

When the emergency strike legislation reached the Senate floor I frankly pointed out that I did not feel Congress should put itself in the position of legislating pay increases for private industry. I further pointed out that if we were going to do so, we should make certain that such wage increases were not inflationary. Therefore, I offered an amendment which would have provided a 5-percent wage increase which would not have inflamed the fires of inflation but would have set the stage for the encouragement of effective collective bargaining.

You will notice, Mr. President, that in my remarks of December 9, I warned that a number of railroads were in such financial straits that an inflationary wage increase would result in serious consequences. Specifically, I referred to the Penn Central which had gone bankrupt June 21.

The day after my remarks we were informed by the trustees of Penn Central that my prediction was correct. Specifically I was told that because of our legislated wage increase the Penn Central would be unable to meet its payroll early in January. Since the trustees have exhausted all sources of private financing there would be no choice but to cease operation on or about that date.

Mr. President, this Nation cannot afford such a complete interruption of our railroad system. Over 41 percent of the Nation's intercity freight is carried by the railroads. The size and geographic extent of the Penn Central means for all practical purposes every railroad in the country would come to almost a complete standstill. We simply cannot risk the dire consequences which would result to our Nation's economy and security.

Mr. President, I think all of us should realize that the bill before us today is nothing more than an emergency stopgap measure.

Our national railroad system is essential to the welfare of the country. The plight of the Penn Central is one small symptom of the overall deterioration of our national rail system.

During this Congress we have taken a few positive steps toward improving our Nation's railroads.

Last April, the Senate Commerce Committee reported a bill to the Senate which would have attempted to relieve the passenger deficit burden on the railroads by providing direct operating subsidies. In that committee report, I filed individual views suggesting an alternative approach to the problem. That alternative which established a semipublic corporation to take over operation of intercity passenger trains was eventually enacted into law, Public Law 91–518.

Mr. President, on May 1 the new corporation will take over the operations of all intercity railroad passenger service. For the railroad industry as a whole, this action will represent a cash saving of over a quarter of a billion dollars a year. For the Penn Central alone the cash saving will be over $40 million a year.

When I first suggested the creation of semipublic corporation to take over operation of intercity passenger trains, in my individual views on S. 3706 I noted:

> The alternative solution I have proposed does represent a departure from the traditional ways of assisting vital segments of our national transportation system. Nevertheless, the time has certainly come for a pragmatic solution to a problem that has grown progressively worse year by year.

Today I am equally convinced that the problems of the railroad industry demand prompt, pragmatic, and effective solutions. The movement of people by railroads is important to the national transportation system, but that importance is miniscule compared to the importance of intercity freight movement by railroads.

Mr. President, in the next Congress we must revitalize the entire national railroad system by continuing our efforts of this Congress. Specifically, we must examine the need for a national freight car pool, a railroad trust fund, a design of a basic network for freight service, a program for grade crossings elimination—possible Government ownership of railroad rights-of-ways and intensified research proposals for updating the efficiency and safety of railroads. Last but

not least Mr. President, we must update the Railway Labor Act, so that Congress does not have to be a party in every effort at collective bargaining.

The challenge facing our next Congress with respect to railroads will not be an easy one to meet, but it must be met if we are to have a viable, balanced national transportation system. In the meantime, Mr. President, I urge adoption of this emergency legislation so we still will have a national railroad system in existence when the next Congress convenes.

Mr. PELL. Mr. President, I support, though reluctantly, the provision of Federal guarantees for the debt certificates of bankrupt railroads.

As many of my colleagues are, I am much concerned about the events which led to the Penn Central bankruptcy.

I am much concerned about the possibility that the Federal guarantees we are authorizing will turn out to be grants because of the failure of the Penn Central's certificates.

I am much concerned about the possibility that the Federal Treasury will have to be used to make up for the gross mistakes of the former management of the Penn Central.

However, coming from a State that is dependent upon the inadequate and poor service provided by Penn Central, I realize there is no other alternative than the legislation that is before us. For the time being, the economic viability of the east coast is dependent upon the continued operation of the Penn Central, and we cannot afford to see it fail.

Moreover, only when the railroads are put in an equal competitive basis with trucks and airlines can we expect to see them withdrawn from the shadows of bankruptcy.

I trust that we recognize this legislation only as a shortrun solution to the overall problem. I continue to believe that a long-range solution, particularly with regard to passenger service, must be to make full use of a public authority along the lines I have advocated for many years. Here I believe Railpax legislation can prove a boon if we take full advantage of its regional provisions.

Also, I believe in the next session we must consider a more overall approach to the solution of rail problem, such as a Federal takeover of rail rights of way under a program of user fees and revenue bonds—a program which would aid both freight and passenger service.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant 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 Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Okahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) and the Senator from Oklahoma (Mr. HARRIS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are 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 Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea".

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 47, nays 29, as follows:

[No. 459 Leg.]

YEAS—47

Allott	Hansen	Packwood
Baker	Hartke	Pastore
Bayh	Hughes	Pell
Bennett	Jackson	Percy
Bible	Javits	Prouty
Brooke	Jordan, Idaho	Randolph
Byrd, W. Va.	Kennedy	Ribicoff
Cannon	Long	Schweiker
Case	Magnuson	Scott
Cotton	Mathias	Spong
Cranston	McGee	Stevens
Curtis	McIntyre	Stevenson
Dole	Metcalf	Symington
Goodell	Miller	Williams, N.J.
Gravel	Moss	Yarborough
Griffin	Murphy	

NAYS—29

Aiken	Gore	Proxmire
Allen	Gurney	Saxbe
Bellmon	Holland	Smith
Byrd, Va.	Hollings	Sparkman
Church	Jordan, N.C.	Stennis
Cook	Mansfield	Talmadge
Ellender	McClellan	Williams, Del.
Ervin	McGovern	Young, N. Dak.
Fannin	Mondale	Young, Ohio
Fulbright	Nelson	

NOT VOTING—24

Anderson	Fong	Montoya
Boggs	Goldwater	Mundt
Burdick	Harris	Muskie
Cooper	Hart	Pearson
Dodd	Hatfield	Russell
Dominick	Hruska	Thurmond
Eagleton	Inouye	Tower
Eastland	McCarthy	Tydings

So the bill (H.R. 19953) was passed.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I move that consideration by the Senate of S. 4595, a bill to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 4595 will be indefinitely postponed.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical and clerical changes in the engrossment of H.R. 19953.

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

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair, on behalf of the Vice President, announces the appointment of the following Senators to attend the Conference for Adoption of the Protocol on Psychotropic Substances, at Vienna, Austria, January 11 through February 19, 1971: the Senator from Iowa (Mr. HUGHES) and the Senator from Maryland (Mr. MATHIAS).

AMENDMENT OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SCHWEIKER). The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 502), as follows:

Resolved, That (a) paragraph 6(b) of Rule XXV of the Standing Rules of the Senate, as amended by section 132 (d) of the Legislative Reorganization Act of 1970 (84 Stat. 1165), is amended by inserting therein, immediately after the third sentence thereof, the following new sentences: "Each Senator who on that day was a member of more than one committee of those classes may be assigned during the 92nd Congress to other committees included within those classes, except that no Senator may serve on a number of committees of those classes greater than the number of such committees on which he was serving on the day preceding such effective date."

(b) The amendment made by this resolution shall take effect immediately prior to noon on January 3, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

Mr. MANSFIELD. Mr. President, this resolution is presented on behalf of the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and myself, and it was also gone into in detail with the managers of the legislative reorganization bill in this body, my distinguished colleague, the Senator from Montana (Mr. METCALF), and the distinguished Senator from Delaware (Mr. BOGGS).

The purpose of this resolution is to clarify for Members of the Senate certain provisions of the Legislative Re-

organization Act of 1970 as they apply to assignment to committees.

This resolution applies only to the 92d Congress and will only affect minor, permanent select and special, and certain permanent joint committees, hereafter referred to as "class B" committees.

Specifically, these committees are four Senate standing committees classified as "minor": Post Office and Civil Service, Rules and Administration, District of Columbia, and the newly authorized Veterans' Affairs Committee; two permanent select and special Senate committees: Small Business and Standards and Conduct; and seven permanent joint committees whose jurisdictions are not directly related to the jurisdiction of minor committees of the Senate: Atomic Energy, Economic, Defense Production, Internal Revenue Taxation, Navajo-Hopi Indian Administration, Reduction of Federal Expenditures, and the newly authorized Joint Committee on Congressional Operations.

The Reorganization Act now requires that any Senator holding membership on two or more "class B" committees and who asks to be assigned to another committee in the same class must forfeit his membership on all other committees in that class.

A newly elected Senator may be assigned to only one "class B" committee in addition to his two required major committee assignments.

It is the opinion of the managers of the legislative reorganization bill, the distinguished Senator from Montana (Mr. METCALF), and the distinguished Senator from Delaware (Mr. BOGGS), that it was the intent of the act that there be a reduction in the number of committee assignments held by each Senator but that those Senators now holding two or more "class B" seats should not be required to give up all other such committees if they request a change but that they should relinquish committee seats in this category on a one for one basis.

I am happy to yield to the minority leader at this time, for his comments, and then to the manager of the bill which was passed earlier this year.

Mr. SCOTT. I thank the distinguished majority leader.

Mr. President, I think the simplest way to summarize this is that, under the Reorganization Act, all sitting Senators, at the beginning of this year, not including Senators newly elected, as I understand it, for the 92d Congress, are, as we say, "grandfathered" into the committees which they hold. But, under the act, in order to receive one of the special committees or minor committees, it would have been necessary to give up as many such committees as the Senator already served on, whether it be one, two, or three. It did not seem quite fair that all of them should be surrendered. Yet, I think that was the clear intent of the law, and I believe that the Parliamentarian was of that opinion.

Therefore, it was decided that as to those Senators who are indeed "grandfathered" in, if they wish to move to another special or minor committee, they will surrender on the basis of one for one—that is, they lose one committee in return for receiving one committee—but the new Members hereafter will be restricted to a single minor or special committee.

Therefore, I believe it works a substantial equity, and I should like to see one favorable action on it for that reason. It is my understanding that we are trying this out for the 92d Congress.

Mr. MANSFIELD. Only?

Mr. SCOTT. Only. And at the end of the 92d Congress, we can evaluate it again, to see whether or not we should put in some other rule, whether more liberalized or more restricted.

Mr. MANSFIELD. I yield to the manager of the legislative reorganization bill.

Mr. METCALF. I thank the majority leader for yielding to me.

Mr. President, I have discussed this matter with the Senator from Delaware (Mr. BOGGS), who was the minority manager of the bill. We feel that the intent was to preserve the rights of the Senators who had multiple service on the committees, and the intent was also that if one had to move from one committee to another, he should have to sacrifice that committee and take up another one, in order to spread out the joint committees, the select committees, and so forth, among the various Members of the Senate.

In order to preserve that and in order to preserve the grandfather clause, so called, this idea has to be adopted by a Senate resolution. It certainly is within the intent of Congress—it is within the intent of the Senate—to preserve every right of every Senator to serve on a committee and at the same time to carry forward the Legislative Reorganization Act.

I urge the adoption of the resolution.

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

Mr. METCALF. I yield.

Mr. STEVENS. I have one question. I should like to be clear as to what we are doing in this one connection.

If a Senator is "grandfathered in" on a select committee and he wishes to move over to a minor committee, are those interchangeable?

Mr. METCALF. No; this applies only to joint committees, select committees, and those other committees. The minor committees—the District of Columbia, the new Veterans' Affairs Committee, and so forth—would be included in the same group. The Senator would have to give up a committee to go to a joint committee.

Mr. STEVENS. And he would give up a joint committee or a select committee to go to a minor committee?

Mr. METCALF. That is correct.

Mr. STEVENS. I thank the Senator.

Mr. SCOTT. In other words, if a Senator gives up Rules, he can give it up for Veterans'. If a Senator were on the Veterans' Committee and gave it up, he would give it up for Rules.

Mr. METCALF. That is correct. And if he wanted to be on the Veterans' Committee, he would have to give up the District of Columbia Committee.

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

WORLD COOPERATION IN AUTOMOBILE SAFETY DEMONSTRATES VIABILITY OF SENATOR MAGNUSON'S PROPOSAL FOR A WORLD ENVIRONMENTAL INSTITUTE

Mr. MAGNUSON. Mr. President, in April of this year I introduced a Senate resolution advocating the creation of a World Environmental Institute. This Institute would serve as an international "clearinghouse" for environmental information and as a research center for analyzing and working out solutions for global environmental problems. In October of this year, the Senate adopted the resolution advocating and supporting the creation of such an institute.

During the past year I have been monitoring very closely the work of the Department of Transportation, specifically the National Highway Safety Bureau, in its attempts to establish international information exchange in one important environmental area—the area of automobile safety. Secretary Volpe, Douglas Toms, and Dr. Robert Brenner have been very successful in instigating international action on the auto safety problem—a problem which has killed more Americans than all violent crimes and wars in our history. I think that initial successes in the area of experimental safety vehicle development confirm the viability of the World Environmental Institute proposal. I would, therefore, like to take this opportunity to tell my colleagues about the U.S.-inspired efforts to undertake an international experimental safety vehicle program so that they might better understand how the World Environmental Institute might proceed on this and other fronts to create a better environment for all inhabitants of the world.

Let me begin by explaining that an experimental safety vehicle is one constructed with safety as the primary design goal. Its development is not constrained by such factors as availability of existing components, parts inventory, capital investment in tooling and production machinery, and other similar problems. In the development of an experimental safety vehicle, performance standards are set, but the means for achieving these performance standards—for example, the ability of an occupant to survive a 50-mile-per-hour barrier or 70-mile-per-hour rollover—are left to the ingenuity of scientists and the skill of engineers. By designing for safety from the ground up rather than trying to achieve a safe car through add-on devices, it is theorized that new safety technologies, more effective, less expensive, and capable of adapting to mass production techniques, can be developed.

The National Traffic and Motor Vehicle Safety Act of 1966 has provided the impetus for the present ESV program in this country and throughout the world. In 1966, the Senate Commerce Committee anticipated the need for launching a Government-sponsored ESV program which would demonstrate the technical feasibility of significant advances in automotive safety performance, stimulate a public awareness of the reduction potential of advanced automotive safety design, and encourage the automotive

industry to increase its level of effort in motor vehicle safety research and accelerate its use of advanced safety systems in production vehicles. The 1966 act states that the Secretary shall procure "by negotiation or otherwise, experimental and other motor vehicles or motor vehicle equipment for research and testing purposes."

In order to carry out the legislative mandate, the Department of Transportation through its National Highway Safety Bureau this year initiated an experimental safety vehicle program that calls for the production of a 4,000-pound vehicle capable of protecting occupants in barrier crashes of up to 50 miles per hour and rollover accidents at speeds up to 70 miles per hour. Contracts for three types of vehicles have been consummated; two prototype designs will be available by 1972 and the third in 1973. These vehicles will be extensively tested by the National Highway Safety Bureau, and the information derived from this program will be used to set new motor vehicle safety standards. In essence, the technology developed in the ESV programs being carried on by the Government will serve as a touchstone for future automotive construction requirements.

Recognizing that the lack of space in smaller vehicles, coupled with the irrefutable laws of physics, means that the occupant of a smaller car in general does not have as good a chance to survive a crash as he would in a larger car, the Department of Transportation decided to encourage foreign manufacturers and their domiciliary countries to undertake cooperative ESV programs to achieve safe small cars as well as safe large 4,000-pound cars.

There were several reasons for turning to foreign countries and foreign automobile manufacturers for the development of 2,000-pound ESV's. In the first place, the foreign manufacturers have had longer experience in the production and testing of small cars. Second, many of the small cars on U.S. highways are produced by foreign manufacturers whose economic and other interests recommend their contributing to the technical knowledge of small-car safety in anticipation of the setting of strenuous motor vehicle safety standards based upon ESV programs. Finally, the research costs of pursuing 2,000- and 4,000-pound ESV programs in the United States would be prohibitive at this time whereas a cooperative international research and development program for ESV's could save all participants an estimated total of $20 million in research and development costs.

Because automobile safety in the United States depends upon the development of both a 2,000-pound as well as a 4,000-pound experimental safety vehicle and because the economic and other interests of foreign automobile manufacturers and their domiciliary countries recommends the development of a 2,000-pound safety vehicle, the international experimental safety vehicle program launched by DOT has met with initial success. At the present time two bilateral agreements between the United States and foreign governments have been consummated. The United States and the Federal Republic of Germany entered into an experimental safety vehicle development program through an agreement signed November 5, 1970. The United States entered into an agreement with the Government of Japan for the development of experimental safety vehicles on November 18, 1970. Both countries will cooperate with the United States and develop a 2,000-pound ESV.

These agreements represent a significant step forward in the area of automobile safety. The information that will be exchanged between the United States and the other participants in the ESV program should lead to a new era of automobile production—an era where safety considerations are paramount in the design of the vehicle. And it is my guess that styling and performance will not suffer because cars are made safer.

One difficulty the Department of Transportation had in launching the international experimental safety vehicle program involved the absence of a mechanism for bringing all nations together on this common environmental problem. The Department worked through the NATO Committee on Challenges for Modern Society, but this committee did not have as members the Swedish Government or the Japanese Government to name but two countries vitally interested in the international ESV program. In my opinion, a World Environmental Institute, nonpolitical in nature and composed of all nations of the world, would be an ideal institution for carrying out an international ESV program.

In any event, the success of the Department of Transportation in negotiating with foreign automobile manufacturers and their governments and in achieving initial international cooperation in automobile safety endeavors that will have beneficial impact throughout the world is highly commendable. Secretary Volpe is to be congratulated for his foresight in backing this endeavor. The chief negotiator on this effort is especially to be commended; Dr. Brenner has done an outstanding job in representing the United States in negotiations on this project, and I am sure that Doug Toms and Secretary Volpe are appreciative of his efforts. Dr. Brenner's assistant, Joe Lippman, also deserves much credit.

The Senate Commerce Committee has appreciated the opportunity to participate with the National Highway Safety Bureau in its initial efforts to establish international cooperation in automobile safety. Senator COTTON and I have sent staff of the Senate Commerce Committee to participate with Bureau personnel in negotiations for these experimental safety vehicle agreements. The Commerce Committee's participation in these programs will facilitate the committee's work in exercising its oversight responsibilities under the National Traffic and Motor Vehicle Safety Act and will also provide valuable experience in implementing such a proposal as the World Environmental Institute.

It is my hope that from this initial informational exchange on experimental safety vehicles designed to solve one environmental problem—the problem of maiming and killing on highways of the world—that a concerted international attack on all environmental problems will be undertaken through a World Environmental Institute that has been endorsed by my colleagues here in the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two releases describing the bilateral agreements that this country has consummated with Germany and Japan.

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

RELEASE OF THE DEPARTMENT OF TRANSPORTATION

The signing of the bilateral U.S.-German agreement for the development of experimental safety vehicles in the two countries constitutes a major step toward eventual production of safe and economical automobiles by all the world's major suppliers.

The agreement signed by U.S. Secretary of Transportation John A. Volpe and West German Transport Minister Georg Leber puts the Federal Republic of Germany on a parallel course with the United States in this field of safety research. The German ESV program is designed to do for the future production of small European type cars what the ESV program of the U.S. Department of Transportation now is doing for coming generations of the larger American cars.

The objective of both programs is to design, develop and produce automobiles both in Europe and the United States in which occupants can survive without injury crashes at 50 miles per hour and roll-over accidents at 70. The ultimate goal, as conceived by Secretary Volpe, is the manufacture of passenger vehicles so safe in their design that deaths or serious injuries in highway accidents at reasonable speeds would become rarities. United States participation in the overseas ESV program has been spearheaded by the National Highway Safety Bureau of the Department of Transportation under NHSB Director Douglas Toms and Deputy Director Robert Brenner.

Under the agreement signed today the governments of the United States and the Federal Republic of Germany will exchange information as their programs proceed. It is hoped that other nations will join in the program and through mutual effort and an exchange of research data produce automobiles with standards of safety acceptable in all countries.

Negotiations currently are under way between the United States and Japan looking toward an agreement similar to the one executed in Bonn today. Britain, France and Italy have expressed interest in the program and Secretary Volpe has invited Sweden to participate.

There are economic considerations which may compel major auto-producing countries to participate. Any nation which hopes to sell its automotive products in world markets, particularly in the United States, will be forced to comply with strict safety standards. Participation in the international program would permit the producing nation to design and build into its cars the safety features which would permit them to move freely in world competition.

The United States ESV program already is well advanced. Last June Secretary Volpe awarded contracts totaling nearly eight million dollars to three American firms for the design and construction of prototype safety vehicles. In announcing the awards, Secretary Volpe said, "We believe that advanced safety concepts are both technically and economically feasible. We want to wake the public to the fact that motor vehicles can be designed and built in a way that sub-

stantially reduces the risk of death or injury."

Two of the contracting companies, the American Machine and Foundry Company and the Fairchild Hiller Corporation, agreed to complete their prototypes by 1972—18 months after the award of the contracts. The third company, General Motors Corporation which is financing its own development on a government contract fee of one dollar, will deliver its prototype in 1973—28 months after the award of the contract.

The U.S. vehicles will be five-passenger, 4,000-pound sedans. They will be equipped with low emission engines and a host of safety features which permit occupants to survive without injury 50-mile-per-hour crashes and roll-overs at 70 miles per hour. The German prototypes will be in the 2,000-pound class and will be required to meet the same safety standards as the U.S. vehicles.

The world program for development of experimental safety vehicles was initiated by the Committee on Challenges to Modern Society of the North Atlantic Treaty Organization. In this, and in other moves initiated by CCMS, President Nixon's hopes for widening the peace-time activities of NATO have been advanced. Presidential Assistant Daniel P. Moynihan has been a moving figure in involvements by NATO in the peace-time problems now facing the world.

DEPARTMENT OF STATE TELEGRAM

Joint press release on the signing of a memorandum concerning United States-Japan cooperation for the development of an experimental safety vehicle (ESV).

The signing of a memorandum concerning cooperation for the development of an experimental safety vehicle took place today between the International Trade and Industry Ministry and the Transportation Ministry of Japan and the United States Department of Transportation.

The signing ceremony, held in the conference room of the Hotel New Otani, was attended by the Department of Transportation Secretary John A. Volpe and American Ambassador to Japan Armin H. Meyer for the United States and International Trade and Industry Minister Kiichi Miyazawa and Transportation Minister Tomisaburo Hashimoto for Japan.

The memorandum sets forth in broad terms an understanding between the two sides concerning meaning, goals, and content of the development program and the nature of the mutual co-operation which they will undertake in promoting the experimental development of a safe automobile. The United States will concentrate on the development of a large automobile (4,000 pound class) while Japan will develop a small automobile (2,000 pound class).

The gist of the memorandum's content is as follows:

1. The development of an experimental safety vehicle through international cooperation is highly significant as a means both of preventing traffic accidents and ensuring the safety of automobile occupants.

2. The safety performance goals for the ESV will aim toward not only a high degree of protection for persons riding in an automobile at the time of a crash but also the safety of pedestrians.

3. The Japanese program for a lightweight automobile will mutually complement the program for development of a 4,000 pound vehicle already underway in the United States, and will incorporate necessary measures toward this end.

4. The two countries will exchange technical data and the results of their research and development. There will also be an exchange of data with other countries which take part in a similar development program, by arrangement with the United States.

5. More detailed procedures will supplement this memorandum as appendices.

BACKGROUND

The United States originally proposed the cooperative program to Japan, through a letter from the United States Secretary of Transportation. The Japanese side sent a reply agreeing to the plan in principle, following which a delegation from the U.S. Department of Transportation visited Japan in October, for an exchange of views of some of the more detailed points. Following up on these exchanges, the signing of the memorandum has taken place today.

In implementation of the program, Japan will decide on its goals for development, performance and specifications by the beginning of next year. (Study has already begun involving the participation of the Ministry of International Trade and Industry, the Ministry of Transportation, and the Automobile Research Institute.) From among the companies which desire to manufacture and test an experimental safety vehicle which meets the goals of performance and specifications thus established, the Japanese government will select those enterprises which it considers suitable, the selected enterprises will become participants in implementation of the program in Japan.

The Japanese Government is considering assistance in the realization of the program through the utilization of some form of subsidy system, depending on need, during both the stage of research in the establishment of performance goals and specifications and also in the testing of the experimental vehicles, once manufactured.

It is believed that development of the vehicle in Japan will require about three years. Therefore, the date for completion of the vehicle and its testing will probably be sometime in the fall of 1973.

AGRICULTURE—SUGAR HISTORY

Mr. HOLLAND. Mr. President, during the time I have served in the Senate our world has changed with incredible speed, so much so that perhaps the most distressing trend of the times is the loss of continuity experienced by Americans in general. Tried and proven methods receive less and less appreciation of their value; we crave what is new simply because it is new; we even discuss our heritage today almost entirely in terms of "Where did we begin to go wrong?"

Nowhere has the change been greater than in agriculture, yet today the country as a whole no longer seems to take pride in our achievements in this field—achievements that place us many, many years in front of our nearest competitors.

In fact it is quite the contrary; one of the favorite pastimes that we have is to criticize farmers, and especially to criticize farm programs. I have watched this trend closely in recent years, and I am alarmed at the amazing rate at which it has grown during the years I have served as chairman of the Subcommittee on Agricultural Appropriations, and as a ranking member of the legislative Committee on Agriculture and Forestry. Now I am in my last week of service in the Senate after more than 24 years work in this Chamber, and I find this a fitting occasion first to thank especially those Senators, staff members, Members of the other body and members of the executive department with whom I have worked so closely over the years—to thank them not only for their cooperation, but more importantly for the tremendous contributions to agriculture that they have helped to make possible.

Former Agriculture Secretary Orville Freeman once described the work of the American farmer as "a modern miracle." I believe it is an apt description, but fear that far too few people really recognize and understand its significance.

Consider the great achievements that are now taken for granted with almost breathtaking ease:

Our farmers have met the challenge of a 16.7 percent population increase over the past decade by producing 20 percent more food and fiber.

They produced that much on 6 percent fewer acres.

A scant 10 years ago, one farmworker fed himself and 23 others; today he provides more than enough for himself and 43 others or 20 more persons than he did in 1960. What an incredible record. But the really incredible part is that hardly anyone really appreciates it. Ask the first person you meet to name the largest employer in the Nation. More than likely the answer will be autos, steel, or utilities. The correct answer, agriculture—usually earns a look of disbelief. Nevertheless, it is true and the disbelief makes it nonetheless significant.

Agriculture employs 5 million workers—that is more than the combined total for transportation, public utilities, the steel industry, and the automobile industry.

Agriculture creates three out of 10 jobs in private employment.

Today our farmers are exporting the production from approximately 78 million of the 300 million acres of cropland we farm each year, and these exports play a crucial part in feeding the hungry, keeping the peace, and promoting international trade.

Instead of gratitude, this record earns more and more contempt. Agriculture's critics dislike farm programs and habitually characterize farmers as the all-time champion subsidy recipients, the facts notwithstanding.

Certainly the farm programs are not perfect, but the strides they have enabled us to make far outweigh their imperfections.

My purpose is not to defend farm programs, it is to alert you to the dangers inherent in this trend.

There are a great many different kinds of farm programs and you are already familiar with the major features of most of them. During this session we have passed programs for some of the major farm commodities for a 3-year period. Other commodities have permanent legislative authority. Still others must be considered next year. Each of these programs intimately affects the economic well being of the areas in which the particular crop affected is grown. For example, one major farm program of particular importance to my home State, to other producing areas and to all consumers will be considered by the Congress during 1971. This program is perhaps more frequently criticized and more frequently misunderstood than any other. I refer to the Sugar Act which will be reviewed and hopefully renewed the next legislative session. In origin this act dates back to a time long before I came to the Senate, and was designed by Congress to protect the welfare of

consumers, that of the domestic sugar-producing industry.

The act has accomplished both purposes, yet it too is continually singled out for criticism. Consider the fact that consumers have had guaranteed supplies at reasonable prices, producers have received fair prices for sugar produced and our export trade has benefited. In addition, I note that sugar prices in relation to per capita disposable income have risen only 40 percent—using the years 1935–39 as a base—while all foods are up about 90 percent for the same period.

Consider also the fact that the entire cost for this program has been financed through the excise tax on sugar imposed at the rate of 50 cents per 100 pounds raw value. Moreover, during the 35-year life of the program excise tax collections paid into the U.S. Treasury have totaled $500 million more than actual program costs.

The basic objectives of the Sugar Act are: first, to make sure that we have enough sugar; second, that prices paid by consumers are reasonable; and, third, that our domestic producers receive a fair return for the sugar they produce. Each of the components necessary to make sure that these crucial objectives are met is provided for in the legislation. To illustrate: supplies of sugar were jeopardized this past summer for certain sections of the country by a strike. Secretary Hardin increased the consumption estimate which permitted additional imports of sugar from foreign suppliers and also permitted our domestic producers to market additional sugar. Shortly after this was done the strike was settled and the increased sugar available to the market resulted in depressed prices to the sugar producers. After conferring with the Secretary and other USDA officials, I recommended that provisions be put into effect which restrict the amount of sugar imported in the United States during the first 6 months of the year. Such a limitation, if imposed, would result in a rise in raw sugar prices equivalent to that deemed in the act as fair to domestic producers. The recommendation was followed and prices have improved.

This is an example of how a complicated program, when properly operated, functions—it works smoothly.

The built-in features of this program should be changed to permit an upward adjustment in the quota for mainland cane growers; it is an adjustment that should be made. Presently, these growers are the only domestic producers operating under quota restrictions. In fact, their permitted acreage is much less than what they grew more than 6 years ago when they were encouraged by our Government to expand rapidly because of the Cuban crisis.

Certainly their acreage should be as large today as it was when they were asked—and when they responded—to meet an urgent national objective. Upward adjustment on quota should go along with more acreage.

With all the efforts expended to give us an adequate domestic supply of this necessary staple it is still a program for a deficit commodity producing only 55 percent of the total consumption of sugar consumed in the United States and requiring the importation of the remaining sugar requirements of the Nation.

This is the example of one program involving one commodity of strategic importance, and I predict that next year this same program will be both criticized and condemned when it comes up for consideration before this body.

Undoubtedly much of the criticism will center on payment features of the program. Again I reiterate the point that the sugar program has more than paid its own way in the past, and will continue to do so in the future. In addition, it is significant that for years this program has operated smoothly with a limitation on payments in effect. Designed as a means of assisting the smaller producer, this provision permits a maximum payment of 80 cents per 100 pounds for those producing 350 tons or less. The rate of payment is scaled down at various levels to a low of 30 cents per 100 pounds for producers of more than 30,000 tons.

I hope—in fact I feel confident—that my colleagues will respond to criticism of this vital program, no matter how vocal it may become, on the basis of how well the program has functioned in the past. In that event it will continue in operation—and continue working well.

Otherwise, we will be in for some tough times.

The important point is that the critics only criticize; they are always "fresh out" of workable alternatives.

I cannot believe that this body would ever eliminate the sugar program—or any other commodity program on the basis of whims so frequently and so capriciously expressed by critics who really wish to destroy merely for the sake of destruction.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

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

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

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

(For conference report, see House proceedings of December 9, 1970, pages 40680–40687, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, this legislation now before the Senate, I want to stress, is a mechanism for comparability pay for Federal employees. It is a mechanism piece of legislation. Its substance, in fact, involves no money, but in its application it would involve money if the President of the United States so rules. The point of the legislation is to approve a mechanism for achieving comparability for Federal employees. This is a principle legislated by this body a good many years ago. Now we are simply trying to translate that principle into a fact of life.

The legislation provides for a permanent system to adjust the salaries of the civil service employees of our Government on an annual basis, in accordance with the principles of pay comparability set out in the Federal Employees Salary Reform Act passed in 1962 by this body.

Hereafter, if this conference report is adopted, the President would make annual adjustments, effective on October 1 of each year, on the basis of recommendations submitted by the Civil Service Commission and the Office of Management and Budget reflecting current wages for similar jobs for levels of responsibility in the private sector. He would consider the views of the Federal Employee Pay Council, made up of representative employee organizations, and he would consider the views of an advisory committee to the President on Federal pay

If for reasons of national emergency, inflation, or whatever other conditions, the President should determine on a pay adjustment other than that recommended by the advisers, he would have the option of submitting an alternate proposal.

Such a proposal would be submitted to Congress, subject to the disapproval of either House within 30 legislative days. The matter would be highly privileged under the rules of House and Senate, and if either House disapproved, the President would be required to implement the original recommendation.

The bill covers all Federal employees subject to the general schedule, the Foreign Service schedule, and the VA schedule, and authorizes increases for employees who are paid under nonstatutory salary schedules. It does not apply to employees in the postal field. It does not apply to employees in the blue collar grades and crafts who are paid under prevailing rates.

The initial adjustment that would be possible for the President to make would become effective on January 1, 1971—and that is the day after tomorrow; and the second adjustment, if that were to be made, would be made effective on January 1, 1972. Thereafter, after that second adjustment, it would go back to the regularly scheduled adjustment date of October 1 for that adjustment each year. By moving the date to October, the data from private enterprise would be about 3 months behind the time; but that is compared with 8, 10, or 12 months now.

We think that is about as close to the mark as we can come. There are two or three other provisions in the bill of a minor nature which have the approval of the administration and have been considered by the House on earlier occasions in the past.

The cost of these minor adjustments is negligible and applies to a very tiny number of employees.

The bill also adds 20 supergrades to the pool administered by the Civil Service Commission, and gives five supergrades to the Tax Court of the United States.

The conference report represents an agreement for permanent salary legis-

lation developed by Members of the House and Senate in cooperation with the executive branch. I stress that. We had some differences across-the-board in seeking some Federal mechanism that would be equitable, but we have arrived at this position with the White House, with the Civil Service Commission, and with the Chairman, Robert Hampton, with the two parties, and the two committees in the two Houses.

We think that it is as close, again, as we can come to a workable mechanism for achieving this goal. The pay of the employees of Congress is also included in this bill.

I want to say a word about that, so that there will be no misunderstanding.

After the President makes the adjustment in salaries each year, the President pro tempore of the Senate is directed to issue an order implementing similar salary increases for employees of the Senate. The President pro tempore would have very broad authority to increase salaries and salary limitations, or make exclusions or modifications as he sees fit, and to delegate to Senators as committee chairmen and other officers of the Senate who have appointive authority as well, to make such salary adjustments, if that is their judgment.

In other words, this is not automatic, in terms of Senate employees or committee employees.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Hawaii (Mr. FONG).

There being no objection, the statement of Senator FONG ordered to be printed in the RECORD, as follows:

FEDERAL PAY COMPARABILITY ACT OF 1970

(Statement of Senator FONG)

Mr. President, I urge Senate approval of the conference report on H.R. 13000, the Federal Pay Comparability Act of 1970.

Enactment of this legislation would put into effect a permanent system for setting the pay of Federal statutory-salaried employees. It also includes authorization for pay increases for employees of the Congress of the United States, and the judicial branch.

Consideration of similar proposals have been presented to the Senate Committee on Post Office and Civil Service in the past. However, this is the first time that agreement on such legislation has been reached among members of both the Senate and House Post Office and Civil Service Committees, the Administration and Federal employee groups.

It is a far reaching plan and one which I believe has great merit.

The comparability principle as enacted in 1962 for Federal salaries continues as the basis for pay increases.

The Bureau of Labor Statistics will continue to take annual surveys of pay in private industry. These statistics together with pay comparisons for similar work in the Federal government will be forwarded on to the Civil Service Commission, as is being done now. However, it is at this point that this measure makes its reforms.

The proposal now before us would give the President of the United States authority to put into effect without congressional action salary increases recommended by an agent which he would designate. The agent's recommendations would be made after reviewing the Bureau of Labor Statistics' survey results and consulting with a Federal Employees Pay Council.

Presently, the Congress must pass affirmative legislation giving Federal employees pay increases.

Under this legislation the President is also authorized to establish a 3-member Advisory Committee on Federal Pay. The Committee, composed of non-government members, would review the recommendations of the President's agent and would make recommendations of its own to improve the system for establishing Federal salaries.

The President is also required to submit annually to the Congress a report on Federal pay increases together with the recommendations of his agent and the Advisory Committee on Federal Pay.

In any year, should the President decide for national economy or emergency reasons that the recommendations of his agent are not in the best interests of the country he must submit to the Congress an alternative pay plan. Should either House of the Congress disapprove within 30 days the alternative plan the President would then have to implement by October 1 of that year the pay recommendations of his agent.

The procedures I have just outlined will go into effect beginning October 1, 1972. Prior to that time the President is authorized to effectuate Federal pay increases on January 1, 1971 and January 1, 1972 based on Bureau of Labor Statistics surveys for 1970 and 1971, respectively.

According to the latest BLS statistics just released Federal salaries are now lagging an average of 6.2 percent behind those in private industry.

Should H.R. 13000 be enacted and the President order a 6 percent Federal salary increase for January 1, 1971, the estimated Fiscal Year 1971 cost would be approximately $500 million. By authorization of Public Law 90–207, military personnel would automatically receive a similar pay increase costing a little over $500 million for Fiscal Year 1971.

In no case shall a salary affected by this measure be increased above that of Executive Level V, which is now $36,000 per annum.

Employees of the legislative and judicial branches would be subject to pay increase orders issued by the appropriate heads of those bodies, following the lead of the President's for the executive branch.

The new procedures required by H.R. 13000 would drastically reduce the long time lags that are built into the present Federal salary comparability system. By giving the President the authority to increase pay for Federal employees the time lag would be cut from the normal year and a half we now experience to about six months. At the same time it retains for Congress the ultimate decision for putting increases into effect should the President decide against comparability pay adjustments.

The bill also contains some other minor provisions affecting very small groups of Federal workers and would cost not more than $100,000 a year. These other provisions have been reviewed by the Civil Service Commission and they fully support enactment of these provisions as well as the new Federal pay setting procedure contained in the main part of H.R. 13000.

I would also like to point out to my colleagues that except for minor changes the proposal now before the Senate is the same as that which I introduced as S. 4270 earlier this year.

I have been a member of the Senate Post Office and Civil Service Committee now for eleven years and have had the privilege of working on every Federal pay bill enacted since 1960. Based on my experience in this area I believe that H.R. 13000 as now presented to us is a very good bill. I am convinced it is in the best interests of the Federal service and Federal employees. I am hopeful that the Senate will approve this conference report so that it can be sent to the House of Representatives for similar action before we adjourn sine die this year.

SUMMARY, FEDERAL SALARY BILLS, 1960–70

Public Law	Effective date	Percent
85–568	July 1, 1960	[1] 7.5
87–793	Oct. 11, 1962	[2] 5.5
	Jan. 1, 1964	4.1
88–426	July 1, 1964	4.2
89–301	Oct. 1, 1965	3.6
89–504	July 1, 1966	2.9
90–206	Oct. 1, 1967	4.5
	July 1, 1968	7.0
	Jan. 1, 1969	7.0
91–231	Dec. 27, 1969 [3]	[4] 6.0
Total		52.3

[1] Over President's veto.
[2] Comparability principle adopted.
[3] Based on June 1969 Bureau of Labor Statistics figures.
[4] In Postal Reform Act—8 percent more than what other classified got Aug. 12, 1970.

H.R. 13000 authorizes the President to effectuate a pay increase on January 1, 1971. The June, 1970, Bureau of Labor Statistics survey shows Federal salaries an average of 6.2% behind private industry. A 6% pay increase effective January 1, 1971, would cost an estimated $500 million for the last half of Fiscal Year 1971 (Jan. to June 30) for civilians and a little over $500 million for the military. Civil Service Commission advises this increase has been included in the 1971 budget.

June 1970 BLS figures gotten between Mar. and Sept. 1970. So this would be a lag period of 6 months instead of almost a year to a year and a half when bill is enacted. Under this procedure lag would be 6 months or less.

Mr. AIKEN. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. AIKEN. Does the term "employees" here on the Hill apply to employees in our offices?

Mr. McGEE. Yes.

Mr. AIKEN. So that the President pro tempore may fix the maximum and minimum salaries for them?

Mr. McGEE. The Senator would have the authority either to say yes or no whether it applies to one of his employees, but the range in which it applies, that is, to the level of the employment, would be determined by the President pro tempore.

Mr. AIKEN. The President pro tempore could say that the salary of a senatorial office employee may be a minimum of $3,000 or a maximum of, say, $60,000 or $70,000. Would he have the right to do that?

Mr. McGEE. The maximum allowed here under title 5 would be $36,000 at the present time.

Mr. AIKEN. This would require a vote of one House or the other?

Mr. McGEE. That chapter would not require a vote of the Houses. That is up to the individual Senator, or the committee chairman, whether that is to be allowed or disallowed for a particular employee. But the range would be set by the President pro tempore.

Mr. AIKEN. At the same time, the President pro tempore would set the maximum of $36,000 a year?

Mr. McGEE. That is set in the legislation.

Mr. AIKEN. Had this law been in effect 2 years ago, how would it have affected the salaries of Members of the Senate?

I believe that the Presidential Commission on Executive, Legislative, and Judicial Salaries recommended $50,000 a year, and through some mechanisms here in the Senate, it was reduced to $42,500. Inflation was then on its way. We could not stop it any longer.

Mr. McGEE. I think it could not have been stopped. It had very little relevance to that.

Mr. AIKEN. Could the people downtown fix our salaries?

Mr. McGEE. No. This was set when the Senate adjusted its own salaries, and the decision is retained in its committees.

Mr. AIKEN. Does the bill provide for debate on any proposals which are made for the salaries of people working on the Hill?

Mr. McGEE. Not in terms of the range of those salaries.

Mr. AIKEN. Does it provide for debate?

Mr. McGEE. No.

Mr. AIKEN. In other words, we turn it over to the executive branch.

Mr. McGEE. To the President pro tempore of the Senate.

Mr. AIKEN. The President pro tempore estimates what these salaries should be. Are they on a comparable level with the salaries which are fixed for the executive branch?

Mr. McGEE. They would be comparable with the salaries fixed by the advisory board to the President for Federal employees. And that salary is fixed in the legislation at $36,000 as far as its application here is concerned.

Mr. AIKEN. Are the decisions and actions of the President pro tempore subject to debate on the Senate floor?

Mr. McGEE. No. It is simply delegating the authority. What we try to do is remove as far as is feasible the involvement of Congress in lobbying operations affecting pay.

Mr. AIKEN. I do not have my report of the committee with me. However, it seems to me that there are some actions which are subject to debate and that the conferees limit the debate to 2 hours. Do I understand correctly?

Mr. McGEE. I am advised that is not true. For the last couple of years this has been the case.

Mr. AIKEN. But if it did limit debate, would that be infringing on the Senate's right to make its own rules or is the Senate delegating the rulemaking authority to the President pro tempore?

Mr. McGEE. This would be the formula of the law setting salaries for Federal employees. It would regard the Senate employees as Federal employees.

Mr. AIKEN. Mr. President, for the next 2 years would the President pro tempore be elected by the Senate or designated by the Vice President?

Mr. McGEE. He is selected, however he is selected now. There is no change in the procedure.

Mr. AIKEN. I plead ignorance, too. How is he elected now?

Mr. McGEE. The President pro tempore of the Senate is elected, I presume, by the majority.

Mr. AIKEN. I was wondering if our present Vice President would take over the Senate and fix its rules.

Mr. McGEE. I would yield to the Parliamentarian on that as the Senate historian.

Mr. AIKEN. Mr. President, I do not doubt that our present Vice President would do an excellent job. There may be some who would not agree with me.

The PRESIDING OFFICER (Mr. HUGHES). The President pro tempore is elected by the Senate. If for some reason one is removed, the Senate through its own procedure selects the replacement.

Mr. McGEE. The present procedure is that the majority party in the Senate would select the President pro tempore. In fact, he generally is the senior member of the majority party.

The PRESIDING OFFICER. He is elected by the majority of the Senate.

Mr. AIKEN. Mr. President, suppose that I were to join the Democratic Party. Would I then be the President pro tempore?

Mr. McGEE. That would be a circumstance under which we would be delighted.

Mr. AIKEN. I was just wondering if under those circumstances I could take over the Senate.

Mr. McGEE. The selection is made by the majority of the Senate, not the Vice President, who is the President of the Senate.

Mr. AIKEN. But they select the senior member. I would have to yield to Senator ELLENDER, anyway. He is my senior.

Mr. McGEE. That is only the custom. The majority makes the decision and the majority can remove.

Mr. AIKEN. Now that I have been fully informed as to the bill, I have no more questions.

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

Mr. McGEE. I yield.

Mr. PASTORE. Mr. President, do I understand the Senator correctly that the President pro tempore does not initiate this action and neither does the Senate. The President pro tempore has to wait for the President to ask for it.

Mr. McGEE. The Senator is correct.

Mr. PASTORE. We have to wait for the President to act before the elected official of the Senate can act.

Mr. McGEE. In terms of the range of the pay scale. This is simply the proposal.

Mr. PASTORE. But can the President pro tempore go beyond the recommendations of the President or go under the recommendations of the President? As I understood the Senator, he can only say "Yes" or "No."

Mr. McGEE. I am advised that under the legislation the President pro tempore would have broad authority to apply it to the employees of the Senate.

Mr. PASTORE. To apply what?

Mr. McGEE. The increase that the President had applied to Federal employees, in the same proportions.

Mr. PASTORE. Therefore the President pro tempore could never move unless the action had first come from the President.

Mr. McGEE. No. Otherwise there would have been no salary increase for Federal employees.

Mr. PASTORE. Then what are we delegating to the President pro tempore?

Mr. McGEE. The decision as to whether he would increase or not increase the salaries.

Mr. PASTORE. As recommended by the President?

Mr. McGEE. As recommended by the President.

Mr. PASTORE. But he has no right to increase or decrease or do anything unless the President acted?

Mr. McGEE. Unless the other salaries were going up.

Mr. PASTORE. Mr. President, step by step I think we are giving away the function and responsibility of the Senate of the United States.

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

Mr. McGEE. I yield.

Mr. TALMADGE. Mr. President, with reference to the questions asked by the Senator from Vermont and the Senator from Rhode Island, I refer to page 8 of the conference report, paragraph (b), and I read therefrom:

> The adjustments made by the president pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

Will the Senator clarify that? That gives the Presiding Officer of the Senate extremely broad authority, as I see it.

Mr. McGEE. Not the President of the Senate, the President pro tempore, who is elected by the majority.

Mr. TALMADGE. The Senator is correct. The President pro tempore is what I meant to say.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Does that mean that he can reach into a Senator's office and take out a secretary and raise her salary?

Mr. McGEE. He cannot touch a Senator's office. This applies to the employees of the Senate, not to the employees of a Senator.

Mr. TALMADGE. What about the employees of a Senate committee?

Mr. McGEE. The money available for the salary limitations is available. But whether that is applied by the Senator to his employees is his business as Senator. The money is made available in the Senator's allocation.

Mr. TALMADGE. Getting specific now, would this authorize the President pro tempore to raise the chief of staff of the Finance Committee, in his discretion?

Mr. McGEE. The chairman of the Finance Committee would have the jurisdiction for that decision.

Mr. TALMADGE. In other words, the President pro tempore then could not fix the specific salaries of members of the committee staffs?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Is that what the Senator was saying?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. And the Senator has also said that the President pro tempore would not have authority to fix specific salaries in a Senator's office.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Suppose that the Presidential Commission and the President recommended a 5-percent salary hike for employees. Then the President pro tempore would have authority, as I understand it, under section (b), to grant

it to Senate employees or to withhold it or make it 3.5 percent if he saw fit.

Mr. McGEE. The question concerns employees of the Senate who are not on any Senator's committee and who are not on any Senator's staff. Then the President pro tempore has broad authority to make that decision.

Mr. TALMADGE. If the President recommended a pay raise, the President pro tempore could make it zero or could make it 2½ percent or make it 5 percent or 10 percent in his discretion. Am I correct in my understanding?

Mr. McGEE. With a general increase for Federal employees, the President pro tempore complies. The separation comes with the staff members of the Senate committees and the Senator's staff members. Otherwise the application would apply automatically under the judgment of the President. Let us say it is 5 percent to Senate employees—not Senate committee employees or staff members.

Mr. TALMADGE. Then, I am still confused, I might say. The Senator has stated that the chairman of the committee would have the authority to fix the salaries of the staff of the committee.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. The Senator has further stated that individual Senators would, as now, fix the salaries of the staff people in their own offices. I understand that would leave the President pro tempore with the authority to make such salary increases or not make them, as he saw fit, to employees of the Senate proper. Do I correctly understand that?

Mr. McGEE. Anyone not under a jurisdiction. For instance, we have the Sergeant at Arms, who has his employees, and we have the Architect of the Capitol, who has his employees.

Mr. TALMADGE. That is right.

Mr. McGEE. They would have the decision as to whether to apply it in their cases.

Mr. TALMADGE. Am I correct in saying the President pro tempore could authorize it and the individual Senator or chairman of the committee would determine whether or not it would be applicable?

Mr. McGEE. That is precisely it.

Mr. TALMADGE. I thank the Senator for clarfying the matter, because I thought it was somewhat confusing.

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

Mr. McGEE. I yield.

Mr. PACKWOOD. Could the Senator clarify something for me? Forget the legislative employees for the moment. Can the Senator tell me how many employees, percentagewise, we are talking about?

Mr. McGEE. About one-half of the civilian employees of the Government.

Mr. PACKWOOD. Let me make sure I understand. The President sets up this Council. It makes recommendations as to what the salary level should be.

Mr. McGEE. What the comparability figure might be.

Mr. PACKWOOD. Very well. Does that mean they establish what the pay scale should be?

Mr. McGEE. Yes. The Civil Service Commission actually makes the recommendation.

Mr. PACKWOOD. To the President?

Mr. McGEE. To the President. But this is in consultation with the Bureau of the Budget, and the Employee Advisory Council will be consulted on it. But the recommendation to the President is made by the Chairman of the Civil Service Commission.

Mr. PACKWOOD. What about the recommendation from the Advisory Council? The recommendation is made by the Civil Service Commission?

Mr. McGEE. Yes.

Mr. PACKWOOD. And the President has the choice at that stage to either submit it to us or an alternative?

Mr. McGEE. He does not submit it to us ever unless he rejects the recommendation.

Mr. PACKWOOD. That is what I was afraid of.

Mr. McGEE. If the recommendation is that there should be a 5-percent adjustment because of rising costs, whatever it is, this becomes the automatic increase for those Federal employees on October 1 of that year. If the President decides that is too much because of the times or because of some national emergency that it should not be allowed at all, and he so decides, in that case it has to be bucked back to Congress for both Houses for judgment, and either House can decide to take it.

Mr. PACKWOOD. I wish to pursue this matter further. This commission, the Civil Service Commission, or whatever, finally made the recommendation to the President that there should be a 10-percent wage hike. At that stage that automatically becomes the pay scale. We do not veto that.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. If he makes an alternative recommendation that is sent to Congress and either House may veto it; but if they do, the other one automatically goes into effect. Is that correct?

Mr. McGEE. That is right.

Mr. PACKWOOD. If we are now in an election year and the President suggests there should be a 25-percent hike in salaries—and this is his own recommendation—instead of the 12 percent recommendation suggested, Congress is stuck with two alternatives, either 25 percent or 12 percent. Then, the President is in a position to say, "I recommended the 25 percent and that niggardly Congress turned it down." We have to raise the money. But we have no alternative as to what it should be.

Mr. McGEE. The Senator's illustration carries the matter to a very extreme and most improbable situation. The problem now has been that in an election year Congress has been on the spot to provide a salary increase across the board for Federal employees for obvious reasons. We have sought a way, if we can, to keep Congress from being the object of the lobbying business, particularly in an election year.

However, we could not get them out completely, or get the President out as long as we have elections, but this removes it to a degree.

Mr. PACKWOOD. How does comparability work now? What commission does what and who recommends it?

Mr. McGEE. The Bureau of Labor Statistics submits its reading on comparability. That reading is 6 to 12 months behind.

Mr. PACKWOOD. That is submitted to Congress?

Mr. McGEE. To the President.

Mr. PACKWOOD. The President. Do they automatically have the force of law if the President submits them to us?

Mr. McGEE. The last 3 years it has been automatic once that reading was supplied. But it would not necessarily be automatic. That has been a coincidence.

Mr. PACKWOOD. Explain that to me again. I am not sure I understand that.

Mr. McGEE. For the last 3 years, beginning in 1967, when the Bureau of Labor Statistics made its reading public, this automatically was applied on a comparability basis.

Mr. PACKWOOD. And that increase went into effect without any legislative action at all.

Mr. McGEE. That is right.

Mr. PACKWOOD. I do not understand. All we are doing is transferring it from one agency to another if we do not act at the moment on the salaries.

Mr. McGEE. What we are doing that makes it different is we are asking it be done on a professional management basis in arriving at the formula for adjusting the wages in terms of comparability.

Mr. PACKWOOD. It is not done professionally now?

Mr. McGEE. It is open to question. This would use the Bureau of Labor Statistics, and the Bureau of the Budget would be involved, and the labor-employee group would be consulted.

Mr. PACKWOOD. We argued for 3 months out of this year whether the President should have all kinds of power in connection with foreign relations and here in one fell swoop we give him power over $15 or $20 billion a year; and we have misgivings about when he chooses between the recommendations of his council and we are stuck and have no choice of our own.

Mr. McGEE. It seemed to the committee the advantage for this was the mechanism for carrying out the policy of Congress in trying to arrive at the way in which comparability was reached.

Mr. PACKWOOD. Why do we not carry it out?

Mr. McGEE. We have, in a way, but it has been sporadic and in accordance with the ups and downs of election dates. To this extent it has not been even and often lagged in some categories where the realities would have recommended otherwise.

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

Mr. McGEE. I yield.

Mr. AIKEN. Were the hearings printed?

Mr. McGEE. Yes.

Mr. AIKEN. When were the hearings held?

Mr. McGEE. It would have been in late August.

Mr. AIKEN. Of last year?

Mr. McGEE. A year ago.

Mr. AIKEN. 1969.

Mr. McGEE. I thought it was August or September.

Mr. AIKEN. I had not heard anything about the bill being considered.

Mr. McGEE. It was considered and passed by this body. This is a conference report, not new legislation.

Mr. AIKEN. Apparently it was passed at Christmas time last year.

Mr. McGEE. Yes.

Mr. AIKEN. It would be a wonderful Christmas present if it goes through, to a few people, but as to the rest of us I am not sure.

Mr. McGEE. I think the emphasis of it is the mechanism.

Mr. AIKEN. When we agreed to permit our salaries to be raised 41 percent, we were not in a very good position to hold down others. In the absence of Senator RUSSELL, who is ill, ALLEN ELLENDER would be the acting dictator of the Senate. If we have to have one, I would rather have him than anyone else I could think of.

Mr. McGEE. He does not want to be one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand if we approve this and this board makes a recommendation of x percent, and the President sends another recommendation, higher or lower, all we can do is accept or reject one, and if we reject the one the President sent, we automatically approve the other?

Mr. McGEE. That is correct. But we do not give up our right to legislate.

Mr. WILLIAMS of Delaware. It seems to me we are indicating that we are giving it up. Under the previous plan, which some of us objected to, we had a commission appointed that would send a recommendation down, but if we rejected that recommendation, nothing went into effect. It seems to me they are safeguarding here against the fact that Congress may want to reject one of these.

Suppose, for example, the commission recommended 20 percent and the President went down to 15 percent and the Congress felt we could not afford anything but 10 percent. We would have to accept the President's recommendation; otherwise we would be taking 20 percent.

Mr. McGEE. No. The Senate could pass a law.

Mr. WILLIAMS of Delaware. We could repeal that law, but if we are going to repeal the law to exercise our rights, why do we not just enact the law and then pass an original bill? My point is that if the Senate rejected the recommendation of the President which was 15 percent, because it was too high, it would already have approved the 20 percent.

Mr. McGEE. Yes.

Mr. WILLIAMS of Delaware. It looks to me like Senators had better turn in their resignations, as some of us have, if they feel they should not vote on it later. I feel I should vote on this proposal, at least, before I leave.

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

Mr. McGEE. I yield to the Senator from Louisiana.

Mr. ELLENDER. I would like the Senator to tell us whether or not this bill has been debated on the floor of the Senate and to what extent.

Mr. McGEE. This provision in the bill was not debated on the floor. It was considered and discussed in committee, but not debated on the floor.

Mr. ELLENDER. The report we are considering is the work of the conferees of both houses.

Mr. McGEE. That is correct.

Mr. ELLENDER. And neither the Senate nor the House passed on the bill as reported by the conference.

Mr. McGEE. That is not correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand that, because this is not in the Senate bill, it was not in either the House bill or the Senate bill?

Mr. McGEE. It was in the House bill.

Mr. WILLIAMS of Delaware. It was in the House bill?

Mr. McGEE. Yes, it was in the House bill.

Mr. WILLIAMS of Delaware. And the Senate accepted it?

Mr. McGEE. That is correct.

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

Mr. McGEE. First let me yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I hope the Senator will correct himself. What is it that the House added in this bill?

Mr. McGEE. The House added this particular phase of the mechanism.

Mr. ELLENDER. But the mechanism that was in the House bill was stricken, and that mechanism provided for a veto by the House or Senate of any scale of rate made?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the conference report struck that provision out.

Mr. McGEE. That is correct.

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

Mr. McGEE. I yield.

Mr. GRIFFIN. I am trying to understand the legislation and trying to follow the questions of the Senator. Is it the recommendation of the Federal Employees Pay Council that becomes effective?

Mr. McGEE. The answer is "No." The Federal Employees Pay Council is strictly an advisory group.

Mr. ELLENDER. The Senator is in error.

Mr. McGEE. In other words, they are not the ones that submit the formula. The formula that is finally passed on by the President is one that has heard the Federal Employees Pay Council, consulted the Bureau of the Budget, and then submitted the best recommendation from the chairman of the Civil Service Commission.

Mr. GRIFFIN. What is the name of the group, or commission, or whatever it is, and how is it made up that does make the final recommendation?

Mr. McGEE. It is the Civil Service Commission, the Bureau of the Budget, advisory to the President—it is the President's advisory group.

Mr. GRIFFIN. Is he limited in his appointment of that group?

Mr. McGEE. Yes; under these terms he is. That is, the Civil Service Commission and the Bureau of the Budget limit the President's advisory group. In the discussions we had on it, they were advised to go through the usual procedure with the Bureau of Labor Statistics, as one of the procedures they would go through.

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

Mr. McGEE. I yield.

Mr. ELLENDER. What is the function of the Federal Employees Pay Council?

Mr. McGEE. The function is strictly advisory. This is the Employees Pay Council.

Mr. ELLENDER. That is not what the report says. The Federal Employees Pay Council is the body that fixes the rate of pay that is presented to the President.

Mr. McGEE. I thought the Senator said the Federal Employees Advisory Council.

Mr. ELLENDER. No.

Mr. McGEE. The Federal Pay Council is the group that makes the recommendation. I misunderstood the Senator.

Mr. ELLENDER. Who composes that council?

Mr. McGEE. The Civil Service Commission, the Chairman, and the Bureau of the Budget.

Mr. ELLENDER. The Senator is in error. They are some of the heads of the labor organizations here at the Washington level, appointed by the agents of the President.

Mr. McGEE. No. That is the Federal Employees Advisory Council.

Mr. ELLENDER. I am speaking of the Federal Employees Pay Council.

Mr. GRIFFIN. I refer the Senator to page 3.

Mr. McGEE. Referring to the top of page 3 of the report relating to the Federal Employees Pay Council, and I read now—"of five members who shall not be deemed to be employees of the Government of the Unilted States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than three members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations."

The Federal Employees Pay Council is strictly advisory.

Mr. ELLENDER. Will the Senator read it into the RECORD?

Mr. McGEE. I will read it into the RECORD. It is spelled out here.

The President's agent shall:

(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

(B) the process of comparing the rates of pay of the statutory pay systems with rates

of pay for the same levels of work in private enterprise; and

(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

Mr. ELLENDER. It is the Federal Employees Pay Council that makes those recommendations. That is what I have been saying.

Mr. McGEE. Their views are only thoroughly considered by the group that is primarily responsible to the President. These are advisory opinions.

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

Mr. McGEE. I yield.

Mr. PACKWOOD. Is the Advisory Committee on Federal Pay referred to on page 2 of the report the same as the Federal Employees Pay Council?

Mr. McGEE. No.

Mr. PACKWOOD. They are not the same?

Mr. McGEE. Where is the reference on page 2?

If the Senator will notice at the bottom of page 2, the final recommendation is transmitted to the President only by the President's agent, chairman of the Civil Service Commission. These others are advisory.

Mr. ELLENDER. What is transmitted to the President?

Mr. McGEE. The figure for the recommended increase, if there is to be one.

Mr. ELLENDER. And that is fixed by the Federal Employees Pay Council?

Mr. McGEE. That is one of the groups that recommend 6, 5, 10 percent, and so on.

Mr. ELLENDER. That is right and that is what I have been saying.

Mr. McGEE. That is subject to a different recommendation to the President by the President's agent.

Mr. ELLENDER. At any rate, suppose the Federal Pay Council fixes the rates and that recommendation is submitted to the President's agent; the agent submits it to the President?

Mr. McGEE. They submit it to the President's agent, not the President. The Chairman of the Civil Service Commission makes the final adjustment.

Mr. ELLENDER. That is only for the first 2 years. Thereafter there is a different organization.

Mr. McGEE. This is a permanent organization. It is not just for the first 2 years.

The President does it on his own temporarily, on the first two January 1st's for those years, until the mechanism gets going.

Mr. ELLENDER. But he gets advice from the Civil Service head?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the Bureau of Labor Statistics?

Mr. McGEE. And the Bureau of Labor Statistics and the Bureau of the Budget.

Mr. ELLENDER. And those remain the agents for 2 years?

Mr. McGEE. That is correct.

Mr. ELLENDER. And thereafter they do not remain the President's agents.

Mr. McGEE. They are the President's agents.

Mr. ELLENDER. They are the President's agents the first 2 years, and then the Federal Employees Pay Council and another council that is appointed to take over; it is a different organization altogether, from what I can understand from this report.

Mr. McGEE. The President can designate some other group if he were so to decide, but his agent in the mechanism is the Chairman of the Civil Service Commission and the Bureau of the Budget.

Mr. ELLENDER. And what they do is simply transmit to the President what this Federal Employee Pay Council recommends.

Mr. McGEE. If that should be their decision.

Mr. ELLENDER. Yes.

Mr. McGEE. This is not a transmittal job. Their job is to make a judgment and recommend to the President, and among the factors that influence their judgment as it is spelled out is that they examine these statistics from the Bureau of Labor Statistics and they take the recommendations from the Federal Pay Council and assimilate them, and make their recommendation.

Mr. ELLENDER. Who composes the Federal Employee Pay Council?

Mr. McGEE. The five designated members from the various employee groups.

Mr. ELLENDER. And, as I have stated, this group will be the ones to make the recommendations as to what the pay increase shall be.

Mr. McGEE. They make their recommendation.

Mr. ELLENDER. Yes.

Mr. McGEE. They make their recommendation, not the recommendation. There is a difference.

Mr. ELLENDER. Those are the ones that will be considered and followed, though.

Mr. McGEE. Not necessarily. I think that is where we are missing the track here. That is not true. They make their recommendation of what they think is fair, but the President's agent is the one that has to make the final recommendation that the President accepts. They need not be the same, though they might be.

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

Mr. McGEE. I am happy to yield.

Mr. HOLLAND. I think I understand the Senator, and I hope that if I am wrong in what I say now, he will correct me.

As I understand it, the President's agent, who is the chairman of the special commission, considers all these recommendations that come in from the Federal Employees Pay Council, and also the coverage of the annual survey by the Bureau of Labor Statistics, and also the Advisory Committee, and the Civil Service Commission Chairman makes recommendations to the President.

Mr. McGEE. To the President, that is correct.

Mr. HOLLAND. All right. Suppose he recommends a 10 percent pay raise, based on all the facts and reports he has, and suppose the President, operating under section c(1) of the act, as shown on page 3 of the bill, because of national emergency or economic conditions, decides that that 10 percent is too much, and he recommends instead 5 percent, and that is what comes to Congress.

Mr. McGEE. That is, then, what comes to Congress; that is right.

Mr. HOLLAND. All right. Suppose one House of Congress turns down the President's recommendation of 5 percent. Then, if I understand this act, the recommendation of 10 percent which was made earlier by the Civil Service Commission, the agent of the President, would become operative and go into effect.

Mr. McGEE. That is correct. That is my understanding.

Mr. HOLLAND. Mr. President, this would mean that the President's agent is given stronger standing, under this act, than the finding and recommendation of the President himself; am I right or wrong in that?

Mr. McGEE. That would be correct, in that instance.

Mr. HOLLAND. Mr. President, I could never support a measure under which, if the Congress turned down a smaller recommendation made by the President himself, we would go back to a larger recommendation made by someone serving as the President's agent.

Mr. McGEE. What is left out there, if I may say to the Senator, is that if it were this serious, and seemed to be a flagrant disregard of the wishes of the President, Congress has the legislative process directly available, and I hope would resort to it in a case like that.

Mr. HOLLAND. I understand. I think I understand that; and that would mean that if this machinery had been available to President Johnson and the President who succeeded him, who recommended that the congressional salaries be raised to $42,500, whereas the agency before that had recommended $50,000, if either House had then turned down the President's recommendation of $42,500, and this machinery had been in effect, the $50,000 salary would have gone into effect; am I right or wrong?

Mr. McGEE. If that were applied to Federal employees, but not Senators as in the Senator's illustration, that would be correct, yes.

Mr. HOLLAND. Again it seems to me that we are putting the agency ahead of the President and that we are making it possible for a House that is being highly pressured by employees of the Government to ignore a more economical recommendation made by the President than has been made earlier by his agent and go back to the less economical recommendation that is made by the President's agent, making the President's agent the final power, the final authority, who has raised salaries.

If I incorrectly understand this bill, I want to be corrected. But it seems very clear to me, after the brief study possible here, and I reiterate the fact stated by the Senator from Louisiana, that this provision did not appear in either of the bills and it has never been debated on the floor of the Senate before.

I could never agree to a program under which the President's agent is given more authority than the President himself.

Mr. McGEE. It seems to me that the one missing link in order to make that

statement complete is that it also means that Congress can support the President, if the President cut it from 10 to 5 and there was no action.

Mr. HOLLAND. That is correct.

Mr. McGEE. And that prevails.

Mr. HOLLAND. I wonder whether the Senator thinks any pressure would be put upon Congress if the agent had recommended a 10-percent raise and the President, animated by his understanding of the economy, had cut that to a 5-percent raise. Would there be any pressure placed upon Congress by employees groups and employees?

Mr. McGEE. I am sure that in that circumstance pressure would be applied. It is applied constantly now. This would be on those selected circumstances such as the Senator has selected for his illustration.

The point still is that the judgment of Congress would be the turning factor, and if Congress is going to have bad judgment at a time like that, it is the responsibility of Congress.

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

Mr. HOLLAND. I have one more question.

There would be no way at all to maintain present salaries except by the passage of new legislation approved by the President, would there?

Mr. McGEE. That is correct.

Mr. HOLLAND. Under the situation I have named, the only choice left to Congress would be to approve either the 5 percent recommended by the President or the 10 percent recommended by the President's agent.

Mr. McGEE. Or to legislate otherwise.

Mr. HOLLAND. I say that the only choice, short of legislation, which would have to be approved by the President and passed by both Houses, would be, within 30 days, to either accept the 5 percent or go back to the 10 percent.

Mr. McGEE. Yes, that is correct.

I think it is fair to add that the theoretical possibilities on almost any mechanism in representative government are sometimes horrifying. I think we would be better grounded if we start with the assumption of honorable men, with good intentions, and that this would be the more average case that would arise on this annual basis. We have now been talking about extreme possibilities that could arise in these circumstances and how they would be resolved.

Mr. HOLLAND. I do not think that these are the maximum conditions that could arise. I do not think men who ask for a 10-percent raise are dishonorable, and I do not think it is a question of honor. It will be a question of pressure for the largest raise that has been suggested, whether it be by the agent of the President, which will have to be made known, or by the President himself. I would much prefer to give the President's recommendation higher standing than is given by this bill.

Mr. McGEE. Congress could take that action by not repudiating the President's decision.

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

Mr. McGEE. I yield.

Mr. STENNIS. I will be quite brief in this matter. My position on it is the same as it was when we had the commission concerning our own salaries, that it was aborting our personal and official responsibility, which I think is one of the primary responsibilities we have.

The argument was made then that we ought to resort to some other method because we were directly involved personally. But now the system we adopted under that commission is being used as a precedent here to set up another.

My general, basic position—and it is a fundamental position with me—is that Congress has no right whatever under the Constitution, by any kind of subterfuge—call it what we will—to dodge its direct responsibility in this very important field, which involves billions of dollars. I certainly want justice to be done. I am not against all pay raises. I was one of those who voted the other day with reference to the administrative assistants. I thought that the ones who qualified were entitled to that pay.

I want to make this point: The primary part of this bill, as I understand it, has not been before the Senate before. It was not in the Senate bill. Only 10, 12, or 15 Senators have heard this debate. I do not blame them for not being here. With their other duties, there is not time, under this procedure, to get this matter developed before the Senate.

There is no report—it is scant, if any—that contains a full explanation. So there is no staff member who can read the report. The Senator may have some report. To what extent is this matter reported and backed up by testimony?

Mr. McGEE. The statement of the managers of the bill; a conference report.

Mr. STENNIS. It is not the usual presentation of testimony on this point, as I understand it.

It is unthinkable, if I may say further—thanking the Senator for his valuable work, as always—that we could adopt what I call a Rube Goldberg setup here; and I say that with all deference to the memory of that fine artist and entertainer, who recently passed away. Here is a trapeze that looks to me as though it is brought in with a double string on it, the recommendation of someone way out yonder—whom we do not know—and the other is a man who does have responsibility as President of the United States. We just make a vote here as to a choice between the 2, and whichever one goes down, the other one comes up. I have never heard of anything that goes to the vitals of government that is such a trapeze as this would be.

I believe we ought to provide some way to get Senators in here to hear the debate—to hear the facts, not to debate; just to hear the facts, so that we can make a judgment on it.

My opinion is that the primary responsibility is on us, that this thing, instead of helping anyone politically, if anyone has that in mind, can be a pitfall, a mine, or a stump hole that we could fall into; that the people at large want us to exercise our direct responsibility in this important field.

I thank the Senator very much for yielding to me. I am going to listen to the rest of the facts and hope I can be recognized.

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

Mr. McGEE. I yield.

Mr. STEVENS. I think that the questions that have been directed to the chairman of our committee have missed the basic purpose of this bill, which is to establish comparability, throughout Government employment with wages paid in the private sector.

If anything, with due regard to my friend, if there is a Rube Goldberg system, it is the one that is in effect today. Congress, in effect, in the past years has had an across-the-board concept of increasing salaries, so that there has not been particular consideration for each grade nor comparability with the work that is performed in that grade to the wage concepts of private industry.

Is it not true that just the other day we passed the wage board bill, which involves the same principle on a local level? For example, in Anchorage, the Wage Board people have wage rates reviewed annually; they are reviewed in comparison to private industry, under the Bureau of Labor Statistics. And if the finding is that comparable wage rates in private industry are higher than those paid the Wage Board employees, the Wage Board employees automatically get a raise. We passed that the other day. We extended it into post exchanges, into the unappropriated fund area.

This is trying to face up to the total problem of salaries in Government employment and to put the salaries paid to Government employees on a comparable basis with those in private business.

I think the fears expressed here are the fears that the Chairman of the Civil Service Commission would look at Government wages and recommend increases that go across the board; whereas, this bill envisions a mechanism for establishing different rates of pay comparable to those paid in private industry—and private industry must take the lead if there is any increase at all. This is to provide comparable rates of pay in Government employment to those paid for similar jobs in private employment.

We are trying to delegate the authority to do this on a scientific basis, with advice from the employees' group and from a separate advisory body, but leaving it to the President's agent to make the final recommendation as to what rates of pay shall be applied to each grade, each type of job, through the entire Government. It would take us years and years to try to get this pay schedule back into shape, where Government employees have comparable rates of pay for Government employees doing the same job that is done in private industry.

Is that not the main purpose of this bill—the mechanism for the adjustment of comparability?

Mr. McGEE. The Senator is correct. The whole focus of the bill is to try to make it possible for Congress to arrive where it legislated its intentions long ago—namely, comparability—to try to place on a comparable level in the various categories of employment in Federal

service a salary return that meets fair competition from the private sector. That is the whole purpose of it, and we simply want to remove the uncertainty and chaos of the present mechanism and have some procedure that at least offers us a more orderly chance to arrive at that comparability judgment. It is the only purpose of the measure.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. CHURCH. I see no objection in establishing a special board to assist in achieving comparability, and certainly the recommendation of that board should be brought to Congress, together with the recommendation of the President.

The part I do not follow is why we should bind the hands of Congress at that point. Let us have the recommendations for comparability. Let us have the suggestion of the President. But why, then, should not Congress be free to choose one recommendation or another, or some figure in between? Why should we delegate away the opportunity to exercise our own judgment at that point, which, after all, is the essence of legislative responsibility?

Mr. McGEE. The best explanation I could give to the Senator from Idaho is that in the years I have been on the Civi. Service Committee, we have always been playing a game of catchup with Federal employees—and I mean really catchup. We run a little faster catching up every other year, when somebody is up for reelection. We lag behind in the years when nobody is running for reelection. It is an attempt to take it out of that context, if it is feasible, and still preserve the basic intent. That is the reason for the mechanistic approach that was suggested here.

Mr. CHURCH. With all deference to the Senator, I do not feel he has answered the question.

I can understand the need for comparability. I can understand the possible utilization of a special committee to make recommendations with respect to comparability. I understand that the President should have or say in the matter. Yet, after all that has occurred, this bill then ties the hands of Congress. It says, as the distinguished Senator from Mississippi mentioned a moment ago, that we have one or two choices, but that is all. No choice or choices lie in between. There is no discretion. There is no opportunity to come to our own judgment after we have had the recommendations.

This seems to me to be another abdication by Congress of its responsibility. With all respect to the Senator, he has not answered the question I posed.

Mr. McGEE. I apologize if I did not answer the question. I think the point that is valid is that Congress has not been in a position to meet the test of comparability. It has not taken the time. It has not had the inclination. It has been an uneven and a spotty performance. It was our feeling that comparability should be arrived at as a judgment in a far more scientific way than we have been prone to do up until now, and that in arriving at what is comparability, we have essentially removed the need for any critical serious judgment factor except in a national crisis of some sort, including an inflationary crisis, in which there is that reserve for the President of the United States.

Mr. CHURCH. The Senator has answered my question and has confirmed my misgivings. This bill represents an abdication on the part of Congress; we are turning over to an advisory committee not only authority to make recommendations with respect to comparability, but authority recommending a definite rate, too. If the President disagrees with that rate, we then confine ourselves to just one or the other, thus denying ourselves the right to exercise any judgment in between. For that reason, I am unable to support the bill.

Mr. STEVENS. The Senator from Idaho, so far as I am concerned, puts this into a fair framework that the Federal employee pay raises are based on 3 percent, 4½ percent, or 7 percent, across the board, and we are trying to set up a mechanism whereby some might get none, some 20 percent, some 10 percent. If we do, we will have a pay plan which comes up every year to be adjusted on the basis of what is comparability to private employment.

For 8 years I was on the receiving end of what Congress did in terms of pay raises, as a Federal Government employee, and, believe me, it is not understandable from the other end of Pennsylvania Avenue. When one really looks at it, Congress has not faced up to the problem of adjustments within the total schedule, so far as what is comparable and what is sound in comparison to the private industry sector. This bill gives the Civil Service Commission and the Bureau of the Budget—two groups, incidentally, that have not been more generous than the Congress has been in terms of Federal employee pay raises—the power to make recommendations to the President. The President may then, if he wishes, change them and send them up here. But we—the Congress—are delegating, by this bill, the authority to the Civil Service Commission, as a practical matter, and the Bureau of the Budget, to make the recommendations for total comparability annually on the basis of an adjustment throughout the Government. That is not the same as we dealt with here in the past when we debated pay increases before and reached a compromise. That had no relation to total comparability to any particular portion of the Government. The mechanism for comparability is the thing we in the committee have sought.

Mr. McGEE. If I may add to what the Senator has said, the judgment that the Senate has exercised and that requires sober judgment, was whether Federal employees should be entitled to comparability. While the Senator has understandable misgivings about what is comparability, we believe that we come closer to arriving at a substantive comparability reading in this mechanism than to retreat to what I think the Senator unfairly calls senatorial judgment.

I do not think that is open to that kind of judgment, if one can arrive at the mechanism for taking readings on equivalent income in the private sector for that kind of job. I think that is where the gap is in our dialog here.

Mr. CHURCH. I follow the Senator's words, but not his reasoning. I have no objection to establishing comparability for Federal employees. That is a good objective. I understand it is difficult and complex. It may be beyond the technical capacity of congressional committees. I have no objection to referring that to a competent committee, under the law, so that thorough study can be made on a yearly basis, and that that committee could then make its recommendations as to what in its judgment would represent comparability for every Federal employee. However, that is not what I am objecting to in this bill.

What I am objecting to is that after the recommendation is made, then Congress is straitjacketed and placed in the position of either accepting the recommendation just as it is made, or a differing recommendation, just as it is made by the President, so that Congress would be confined to two choices—maybe only one.

Mr. McGEE. Three choices.

Mr. CHURCH. The third choice is not really a practical choice for, under the circumstances, the 30 days for new legislation would be subject to discussion. That third alternative is theoretical. It is not a real one. So, if we pass this bill, we will be confining ourselves to accepting one recommendation if the President concurs in it, and two recommendations if he does not, and denying ourselves any other choice or choices. That would be an abdication of our power and responsibility. It is typical of the trend in Congress over the years which, fortunately, many Senators are now trying to reverse, restoring the Senate to its proper coequal role in our constitutional system of government.

Mr. McGEE. I would like to try to rephrase this, while it is directly relevant. The judgment of the Senate and the responsibility of the Senate for decisionmaking, it seems to me, is constantly present there. We are proposing to set up a new mechanism for arriving at comparability, which we all say in our rhetoric we favor, and we have registered our support of comparability. We have recommended here a way of arriving at comparability if, in the judgment of the Senate in the exceptional cases, or the unusual cases, where there is a discrepancy between a recommendation by the President's agent to the President, or the President's judgment in regard to a national emergency. The Senate is constantly there judging, and would be required by its own conscience, I think, to put this into legislation.

At that point, if it so required it, the Senate has given up nothing. We have tried to facilitate the process without forfeiting that responsibility. I do not see that the Senate has given up its responsibility in this case. I think it has tried to make it possible for the Senate to keep up with the changing problems of comparability and remain the judge of the abuses of those judgments that

the agent might make and, thus, to correct them through legislative power.

Mr. CHURCH. The Senator from Wyoming and the Senator from Idaho see the bill quite differently.

Mr. STENNIS. Mr. President, if I may make this observation, as I understand the Senator from Idaho, his point is that he does not object to the recommendations coming in, one or more, or two, at least, but what he is objecting to, as I understand it, is that if they come in here frozen, solidified, we have to take one or the other. When we reject one, we automatically have to take the other. Is that the substance of the Senator's argument?

Mr. CHURCH. The Senator from Mississippi is absolutely correct. The bill presently before us straitjackets the Congress. There are many considerations that have to be weighed in regard to increasing salaries, besides pure comparability, before a decision can be made.

Mr. STENNIS. Well, Congress can still change the rules. Why pass a law when we can keep the power we already have to change the law now?

It is something like a story from my hometown where one man says to the other, "Do you have a job?" The other man answers, "No."

The first man says, "Do you want to make some money?"

The other man says, "Yes."

The first man says, "Do you want to save some money?"

The other man says, "Yes."

The first man says, "If you earn some money and save some money then you will not have to work."

The other man says, "I do not work now."

So, if Congress has the power already, and it certainly does, we should keep that power and exercise it as soundly as we can. I am willing to go to any reasonable length——

Mr. McGEE. The Senator makes an excellent point there. Our feeling is that while the Senate has that power now, it has not been able to use it satisfactorily in terms of the changing levels of comparability with the private sector and measuring it in a scientific way. We are trying to fill that gap.

I would resubmit again, although I realize it is becoming repetitious, that the powers of this body have not been forfeited. We are not straitjacketed in these options. We have the full sweep of the options most of the time. I would be certain in predicting that most of the time the recommendations would be reasonable, they would be cautious and wise and there would be no question raised about it. That would be the typical one.

In cases where the President may have thought otherwise, it is necessary for the Senate and the House to determine. Finally, there is the third option that is constantly present that must never be dismissed, which would be the decision by the Congress that they can determine it. Congress has not given up that prerogative or responsibility.

But I think that in the predominant instance we would find conscientious comparability figures arrived at. It would be that there would be no challenge. We have really concentrated on fears and the possibility that something might happen which might not be more numerous.

Mr. PACKWOOD. Mr. President, where would the bill say that the President's agent is the Civil Service Commission?

Mr. McGEE. It does not say he is the agent. In this report, the practical operation of all Federal employee legislation throughout our experience has been the President through the Civil Service Chairman.

Mr. PACKWOOD. Mr. President, let me go through this once more, and see if I understand it. The President appoints his agent—the Civil Service Chairman or call him what we want—and, he appoints the Federal Employee Pay Council to give the agent advice.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And then we have an advisory committee on Federal pay which in essence gives the President advice. Its principal function is to report to the President and that would be one of the factors that the President considers.

Mr. McGEE. They are the three private citizens. The Senator is correct. What we have done is to diversify and broaden the base of sources of recommended pay action on the comparability figure.

Mr. PACKWOOD. Who makes the final recommendation, the President?

Mr. McGEE. The agent, the chairman of the Civil Service Commission.

Mr. PACKWOOD. If the President does not want to exercise his prerogative in the second alternative and changes it, is he stuck with that recommendation?

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. What does it mean here, going back to page 2 of the report, subsection 5305, (2) "after considering the report of his agent and the findings and recommendations of the advisory committee on Federal pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; . . ."

Why does he have to bother to go to the Committee on Federal Pay if the agent's recommendations are the ones that are relevant?

Mr. McGEE. I think the directive in the mechanism simply provides for that as the final decisionmaking authority. It simply says in the language the Senator has just read, it seems to me, that the President would have access to review that. He does not have to take any agent's recommendation blindly without reviewing it himself.

Mr. PACKWOOD. Mr. President, I thought the Senator said he was stuck with the agent's recommendations.

Mr. McGEE. Mr. President, if he chose to change it, it goes directly to another process of decision, unless he challenges it.

Mr. PACKWOOD. Mr. President, let me go to page 15 near the bottom of the page where it reads:

> After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles . . .

We have not yet gotten to that second alternative of the President. What does that mean?

Mr. McGEE. Mr. President, in my opinion, this means that he is accepting the composite judgments that can be submitted.

Mr. PACKWOOD. Does he have power to make changes in the recommendations submitted?

Mr. McGEE. Yes.

Mr. PACKWOOD. I mean in the first step.

Mr. McGEE. If he makes the change, then the other process is set in motion.

Mr. PACKWOOD. No, because we get to the other process later on. I am curious about the first process.

Mr. McGEE. Is the Senator reading from the top of page 16?

Mr. PACKWOOD. Down in about the last one-fourth of page 16, section (c) of section 5305 of the conference substitute it is provided that if the President chooses to do something, he then goes into the second alternative or goes to the alternative of the agent's recommendations as shown by the report at the bottom of page 15. Before that second procedure, the President can change what his agent has recommended and can listen to the Advisory Committee on Federal Pay.

Mr. McGEE. These are the words of the manager of the bill in the House, rather than the law itself. What we interpret the law to mean in the language of the law itself is that in any case after the President has reviewed it, he has this safeguard of reviewing the prerogatives. But if the President's recommendations turned out to be different than that of the agent, if the President decided not to follow the advice of the agent, then the other mechanism is set in motion.

The agent's recommendations are final unless the President challenges them and wants to go to the second recommendation.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. Then, the Congress has the two to consider together.

Mr. McGEE. Congress has three things to consider.

Mr. PACKWOOD. It has three, if we want to change the law or repeal it.

Mr. McGEE. Unless the Senator wants to move to abdicate the responsibility of the Congress. I do not want to do so.

Mr. PACKWOOD. I do not care whether the Senator calls it three or two. They have two alternatives.

Mr. McGEE. The Senator is correct. In most cases they would have one recommendation.

Mr. PACKWOOD. Mr. President, the Senator has indicated that in determining comparability there is no reason why this law could not read that Congress should appoint the agent and that he shall have an advisory committee and we can put them into effect.

Mr. McGEE. There is no reason why Congress could not do that.

Mr. PACKWOOD. Why are we not going that way?

Mr. McGEE. The answer is that it was thought under normal circumstances that we should delegate this responsibility to the executive to carry out the intent of congressional law.

Mr. PACKWOOD. Mr. President, forgetting the fact that Congress at any time has the right to change the law, the Senator says that Congress has the third alternative under the present law which is that unless Congress acts, nothing automatically goes into effect.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And if we pass this, it automatically goes into effect unless Congress vetoes it.

Mr. McGEE. The Senator is correct.

Mr. ELLENDER. Mr. President, would the Senator explain this statement on page 15. It is a statement by the manager of the bill on the part of the House. It reads:

> The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

What does that mean? Is it not a fact that the House bill provided that the pay scale should be sent to Congress and that Congress should be the one to make the determintaion?

Mr. McGEE. The Senator is correct. And one of the adjustments we made in an attempt to get it working was that accommodation. The Senator is correct.

Mr. ELLENDER. And instead of following the House language, the conferees proceed to this second alternative wherein if the President decides that the rates submitted are too high or too low, he then sends his own recommendations to Congress, and that is the only time Congress has a chance to vote on the matter. Is that correct?

Mr. McGEE. Well, no. We would assume that Congress has looked into the matter constantly and established the legislative third alternative, which is constantly present.

Mr. ELLENDER. That would necessitate a change in law, would it not?

Mr. McGEE. Yes; but Congress would complete that action.

Mr. ELLENDER. Of course Congress does have the right to repeal the law. Let us take the law as it will be if this conference report is adopted. If the President determines that the rate is too high and he reduces it, then his recommendation comes to Congress and Congress vetoes it. What happens?

Mr. McGEE. When Congress vetoes it, then the original recommendation prevails.

Mr. ELLENDER. Without Congress having a right to do anything except to provide funds with which to pay the pay hike recommended.

Mr. McGEE. No. Congress would have already had its say by vetoing the President's recommendation. The veto prevails. We are not leaving that to chance.

Mr. ELLENDER. But the President's recommendation, if vetoed, would be bypassed and the original recommendation would prevail.

Mr. McGEE. If that were the judgment of Congress, it would not be the first time Congress bypassed the President's decision. But Congress would not veto the President's decision unless it was the judgment of Congress it should go back to the other figure.

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

Mr. McGEE. I yield.

Mr. PACKWOOD. The President does not send any alternative. Congress would act, and they could either veto it or not.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. At least we have a chance to veto, whereas under the first one we would not. We assume we are interested in achieving comparability. If, in the judgment of Congress, the President and his agent ran wild and for political reasons ran it up to 20 percent, 30 percent, or 40 percent, Congress would have a responsibility and a criterion in this mechanism to act. We are assuming the very extreme possibility that Congress has not given up anything. We have set up the mechanisms.

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

Mr. McGEE. I yield.

Mr. STEVENS. What is more, in the wage board procedure we have already set up, pay raises are automatic and never come back to Congress. We give the President, in this bill, the alternative to recommend something different. If he recommends something different, we can choose between them. This is a different mechanism than we approved last week for wage board employees. Under that procedure the cost of living index would be determined by a comparability survey, and if there is an increase in private employment wage rates in that area, wage rates go up. I do not understand the reasoning which opposes this bill when the chairman and the conferees have given the Congress an extra chance to review increases when the President does not follow the Civil Service Commission recommendations.

Mr. PACKWOOD. I thought the chairman indicated the fundamental difference is now this recommendation would not go into effect unless Congress acts.

Mr. STEVENS. We were talking about wage board employees last week.

Mr. PACKWOOD. Whom does that cover?

Mr. McGEE. The blue-collar employees throughout the country. They are not covered by this.

Mr. STEVENS. This covers employees in the legislative branch and in the independent agencies, and those who are not blue-collar workers.

Mr. ELLENDER. Why did the conferees adopt this alternative plan rather than the original House plan?

Mr. McGEE. I must say we adopted it with some misgivings. We adopted it because we took the composite that came out. My plan would have been the best of all and someone else's plan would have been ideal. We have learned we must accept compromise if we are going to have legislation on the books that will work. I think this will work.

Mr. ELLENDER. But there was nothing in the Senate bill on the subject.

Mr. McGEE. That is right.

Mr. ELLENDER. The whole program was described and provided for in the House bill.

Mr. McGEE. That is right.

Mr. ELLENDER. And the conferees simply set aside the House version and adopted their own in conference.

Mr. McGEE. Only in that one step.

Mr. ELLENDER. But that is very important. The House version provided that the pay scale would be submitted to Congress, with the right to modify it if we desired, or to amend it, but it was stricken.

Mr. McGEE. We felt that would not have a chance to be tried.

Furthermore, we felt that the risk implicit in this is not as great as the Senator from Louisiana, the Senator from Idaho, and others believe. Our judgment was that this was a risk we could afford to take to see if we could get it off the ground. If it does not work, we can exercise our legislative responsibility.

Mr. ELLENDER. Who promoted the method adopted, the Senate side of the House?

Mr. McGEE. The consultations we had were with our colleagues in the House, the Civil Service Commission, and representatives from the White House. In other words, it was not an isolated judgment that was made.

Mr. ELLENDER. I go back to the proposition that no consideration was given to any Senate action because there was no Senate action.

Mr. McGEE. That is correct, except we spent a lot of time wrestling with it.

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

Mr. McGEE. I yield.

Mr. STEVENS. I probably have interfered with the Senator's handling of this matter too much. But, I do wish to observe that when I was Solicitor of the Interior Department, my salary was around $20,000, as I recall. That was in 1960. The Solicitor of the Interior Department now receives in excess of $40,000. In 1960 my assistants' salaries were about $14,000 to $18,000. Today they are about $16,000 to $22,000.

In terms of what Congress has done to salaries in the executive branch, it has gone across the board with pay increases coming out of political compromises; we have entirely escaped the comparability we sought for jobs performed by people in Government whose salaries must be adjusted if we are to have the type of civil service system we must have.

I think this is a good mechanism which we will have more opportunity to review than in the wage board system or other systems we have set out. I might add our own pay system brought us a pay increase under a similar mechanism.

Mr. McGEE. Mr. President, I wish to call to the attention of the Senate that my colleague on the committee, the Senator from Alaska, was one of the leaders in our attempt to come to grips with the implications of comparability and in all the problems that go with it when we try to seek that comparability for Federal employees. His contributions here have been very helpful and constructive.

I also mention that the ranking minority member of the committee, the Senator from Hawaii (Mr. FONG) was one of the leaders in the dialog and the studies and the judgments that were made in this regard. Without the judgments of the Senator from Hawaii we would have been retarded considerably in our efforts.

Mr. President, I am ready to yield the floor. I understand the Senator from Louisiana would like to address himself to this matter. I am pleased to yield the floor at this time.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, and I would like to have a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 460 Leg]

Aiken	Fulbright	Moss
Allen	Griffin	Packwood
Allott	Gurney	Pastore
Baker	Hansen	Percy
Bayh	Holland	Prouty
Bellmon	Hughes	Proxmire
Bennett	Jordan, N.C.	Randolph
Bible	Kennedy	Ribicoff
Brooke	Long	Sparkman
Cotton	Magnuson	Stennis
Cranston	Mansfield	Stevens
Curtis	McClellan	Talmadge
Dole	McGee	Williams, N.J.
Ellender	McIntyre	Yarborough
Ervin	Miller	Young, N. Dak.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

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

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Byrd, Va.	Hartke	Nelson
Byrd, W. Va.	Hollings	Pell
Case	Jackson	Saxbe
Church	Javits	Schweiker
Cook	Jordan, Idaho	Scott
Cooper	Mathias	Smith
Fannin	McGovern	Spong
Goodell	Metcalf	Symington
Gore	Mondale	Williams, Del.
Gravel	Murphy	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. LONG. Mr. President, since midafternoon on yesterday, the Senate has been seeking a conference with the House of Representatives in order to complete action on the bill to increase social security benefits by 10 percent and to increase welfare benefits for the aged, blind, and disabled.

Meanwhile, the clock is running as this session is scheduled to come to an end at noon on Sunday, January 3. We have 4 days left.

As a Senate committee chairman, the RECORD should show that both I and our Senate conferees have been ready to meet on any basis whatever for the last 24 hours. It would be a sad state of affairs if this Congress fails to pass at least a cost-of-living increase for the 26 million people whose small incomes from social security have been sadly diminished by inflation.

Mr. President, like other members of the Committee on Finance, I worked very hard to pass a social security bill which provided more benefits and more social and economic justice than the package the House sent to us.

In order to do this I found it necessary to make the motion to strike down many very good legislative proposals with which I found myself in wholehearted agreement. It is somewhat difficult to ask a person to vote to strike down on the RECORD something with which he agrees. But this was necessary in order to break two, and possibly three filibusters that were developing in the consideration of this important social security measure.

The extent to which statesmen in the Senate were willing to sacrifice their prevailing views for the common good of the Nation reached a high point in the consideration of this legislation. The Senator from Georgia (Mr. TALMADGE), and the two Senators from South Carolina deserve high praise for foregoing their trade amendment although the record will reflect that they had strong support for their position and could have prevailed if the Senate could have reached a vote on the trade matter.

The Senator from Connecticut (Mr. RIBICOFF), the Senator from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. HARRIS) also deserve great credit for permitting the social security bill to pass without insisting on a vote on the family assistance plan for which they labored for months. Again, there were indications they might have prevailed if a vote could have been reached. But it became clear that a vote on these issues could not occur. Both of these examples could be multiplied many times over to indicate the unselfishness and devotion to duty evidenced by Members of the Senate in working out a legislative package which the Senate regarded as a vast improvement over the House bill.

It is disappointing to read in the papers that after so many Senators have gone beyond the call of duty to accommodate themselves to the views of others—to the extent that a bill passes by a vote of 81 to 0—that the other body will decline to even discuss the matter in a conference between the two Houses.

We have succeeded in passing a good bill by a unanimous vote and the Senate will be indeed disappointed if the House declines to show 29 million people the courtesy of considering the Senate amendments.

I wish the RECORD to reflect that at this point we, in the Senate, have done everything that we can do to get a conference with the House. From 4 p.m. Tuesday, the Senate has been calling on the House to act and the House sits with the phone ringing, declining even to lift the receiver from the hook. That is a metaphor. I have been to the House of Representatives to discuss this matter with Members, including the chairman of the Ways and Means Committee there.

I am aware, of course, that it is possible to pass a bill next year which would increase retroactively social security payments. If this procedure were to be followed, it would be July or August or later before 26 million people could have the benefit which they would otherwise receive on April 3 if the House would only permit us to complete action on this bill now.

To ask the poor and the social security pensioners to wait another 3 or 4 months or longer is completely unnecessary.

On measures containing far less difficult issues than the proposed social security increase, representatives of the Senate and House have been able to resolve their differences in less time than that which remains in this session.

Let me make it clear that I, for one, have no intention of being adamant about any provision contained in the Senate amendments to the bill. So far as I am concerned, I would insist on nothing more than that the House conferees give us the benefit of their honest judgment with regard to the Senate amendments.

Nor am I impressed with the argument that there are 100 items of "potential controversy" in the bill. This requires nothing more than 100 decisions by the conferees and, when men of good will work together, that sort of thing should be possible in less than 6 hours.

It might be that in the days remaining we could not resolve all the differences between the two versions. If I had my way, we would at least be caught trying. The Senate has never taken a "can't do" attitude about this bill. Today's apparent "can't do" attitude on the part of the House of Representatives is a new experience to this Senator. In years gone by, I have experienced a "won't do" attitude when dedicated and sincere statesmen from the House refused to agree to the viewpoint of the Senate.

In each of those cases, I have respected and even admired those who spoke for the House in discharging their duties as they saw them. But, I must say that it is more difficult to admire a "can't do" attitude when so much is involved in the interests of so many.

All we are asking is the opportunity to discuss the social security bill with the duly appointed representatives of the House. It is beyond this Senator's understanding that the House should be unwilling to so much as talk about the needs of 26 million social security recipients and 3 million aged, blind, and disabled welfare clients.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

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. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a board of arbitration, and for other purposes.

Mr. ELLENDER. Mr. President, I should like to address myself to the

pending question, and I am very hopeful that the Senate will reject this report.

The bill in question, H.R. 13000, was never considered by the Senate. It was never debated on the Senate floor. Even the House measure, when it was before the conferees, was not followed by the conferees.

In the House bill was a provision whereby the Senate was given the opportunity to amend, to change, or to do whatever it chose to do, with any suggestions made by the Federal Employees Pay Council in regard to pay hikes.

I should like to relate some history about this bill. It is somewhat mysterious. It has been on the calendar for more than a year; and it was only on December 8, this month, that the conferees met and produced the report that is now before the Senate. When the conferees met, particularly the Senate conferees, they had no guidance from the Senate because, as I said, the Senate itself never passed upon the question of providing a board, or of providing ways and means of fixing a wage scale. The House bill did. The House bill also provided that whatever recommendations were made by the board, the Senate would have the right to veto it, to change it, to amend whatever recommendations came from the board.

The bill passed the House of Representatives on October 14, 1969. It established a Federal Employees Salary Commission and a board of arbitration to implement the Federal employee pay comparability system by providing for annual adjustments in compensation of Federal employees upon adoption by Congress of a concurrent resolution approving the recommended pay increase. That was what was in the House bill. But we do not find it in the conference report.

Second, the bill was reported by the Senate Committee on Post Office and Civil Service on December 8, 1969. All House language was stricken. The new text provided for pay increases for Federal employees, other than congressional employees, as follows:

Four percent if employees earned less than $10,000; 3 percent if employees earned between $10,000 and $15,000; 2½ percent if employees earned between $15,000 and $20,000; 1 percent if employees were at the level of GS–15 or any comparable position; above a GS–15, no pay increase.

That, Mr. President, is the only matter that was discussed by the Senate, the matter of pay increases in line with what I have just stated.

The bill also provided a second rate increase effective July 1, 1970, so that rates of Federal employees would be comparable as of June 1969 to those in private industry, but in no event was the increase to be less than 3 percent.

This bill, as reported by the Senate committee, passed the Senate on December 12, 1969. I wish to again emphasize that the only matter that was discussed before the Senate was the pay increases I have just indicated.

The Senate returned the bill to the House, and the House disagreed with the Senate amendments, asked for a conference, and appointed its conferees. The Senate agreed to the conference and appointed its conferees. However, the conferees did not meet until December 8, 1970. That is this month. More than a year elapsed before the conference was held.

On April 8, 1970, the Senate considered and passed S. 3690, which authorizes an increase in pay of Federal employees by 6 percent retroactive to the first pay period beginning on or after December 27, 1969. This 6 percent increase in pay was determined to be necessary so that Federal employees salary rates would be comparable to rates in private industry as of June 1969.

Mr. President, I am wondering why it it that the conferees did not meet to make that decision, instead of proposing to the Senate a new bill. On almost the same day, the House put in a bill similar to the one put in by the Senate affecting pay increases, and both bills were passed by the respective Houses. There were very little changes to be made in the two bills. The President signed the bill and it became Public Law No. 91–231, the Federal Employees Salary Act of 1970.

Thus, that public law substantially enacted the provisions of H.R. 13000 as passed by the Senate. For all practical purposes, I thought that H.R. 13000 was dead because, as I said, the matter involved, as presented to the Senate, pay increases only and that matter was determined by the bill subsequently introduced in the Senate and passed by the Senate, with one by the House. That settled the pay matter so far as H.R. 13000 was concerned.

As I said a moment ago, it was only on December 8 of this year that the conferees met.

Now what did the conferees have in mind?

Nothing from the Senate, because the matter that was considered by the Senate in H.R. 13000 was considered in another bill that was introduced under date of July 1, 1970. That was disposed of.

Now it would seem to me that the conferees might have at least followed the provisions of the House bill in respect to the creation of a commission that would fix the salaries and then submit its findings to the Senate. That provision was in the House bill, but the conferees bypassed it. They did not take that provision. They added another provision in the bill which does provide that if the President differs in his views from the rates prescribed by the advisory agency, he can lower them or he can raise them, and only in that case will the Senate or the House of Representatives have the opportunity to pass upon the matter.

If the President's views as presented to the Congress are vetoed by either House, it means that the wages fixed by the advisory agency that was created for the purpose of fixing the rates will prevail. Congress would have no opportunity whatever to pass upon the matter of raising or lowering the wages submitted.

Mr. President, I think this is an abdication of the powers of Congress to place in the hands of an advisory agency composed of five men chosen from the large unions here at the Washington level that have to do with the employees of the Federal Government, the power to fix rates of pay for Federal employees. It is that agency that will recommend to the President what the rates of pay should be, and the President can either accept them or make his own recommendations. And if the President decides that those rates are too low or too high, he may do so and send a message to the Senate and have the Senate vote the matter up or down within 30 days. If Congress should veto what the President suggests then the recommendations made by the advisory group would become effective immediately, giving Congress no power whatsoever to deal with or change or amend any of the rates of pay made by the commission.

Now, Mr. President, what does that mean?

If this conference report is adopted tonight, it will mean that beginning January 1, 1971, we will have an immediate increase in pay of an average of 6 percent, and that 6 percent will apply to all the employees in Government except the blue collar workers. It will trigger an increase in the wages of every serviceman in the country. In dollars, it would simply mean that beginning January 1, 1971, Congress would have to provide $2.2 billion to meet the pay that will arise, because of what is included in this conference report. It gives this advisory agency the opportunity to fix wages.

I will read to the Senate an interpretation of the conference report by Mr. Joseph Young, who writes the Federal Spotlight. Here is his evaluation of what would happen if the conference report is adopted. I presume that many Senators have already read the article:

> Here are the highlights of the system about to be approved by Congress:
>
> The Jan. 1 pay raises are expected to range from about 4 to 7 percent.
>
> There will be another pay adjustment Jan. 1, 1972.
>
> Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.
>
> The salaries of congressional employes and military personnel will also be adjusted.

Mr. President, as was pointed out earlier in debate the moment that this goes into effect, for classified employees, then the President pro tempore of the Senate and the Speaker of the House of Representatives will be empowered to increase the salaries of all legislative employees.

Reading further:

> The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

These five impartial appointees, as I said, are described in this report which I hold in my hand as being the heads of the large labor unions that control or are at the head of all of the labor organizations at the Washington level. I think there are seven or eight of them.

> The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman

of Civil Service Commission and the director of the Office Management and Budget, as well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the President's rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidential action dating from the time it received his message.

Mr. President, in other words, if the President desired to lower the recommendations made by the Advisory Council, he could send his recommendations to Congress and if Congress vetoed them, then the original recommendations of the Advisory Council would take effect. Congress, as I said, would have nothing to say about the matter except to provide the funds to pay for those pay increases.

Mr. President, I do not think Congress is ready to abdicate its right to fix salaries to an advisory committee appointed by the Civil Service Chairman and the head of the Budget Bureau.

Mr. President, I ask unanimous consent that the article from which I have been reading be printed in the RECORD together with a similar article by Mr. Cramer, and an article from the Newsweek of December 21, 1970, which indicate what would happen by way of pay raises if this method of increasing wages is adopted.

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

THE FEDERAL SPOTLIGHT: SMOOTH SAILING INDICATED FOR CLASSIFIED PAY RAISE

(By Joseph Young)

Top officials of the Civil Service Commission and the Office of Management and Budget meet today to discuss implementation of the new system of semiautomatic annual pay adjustments for federal classified employes that has been approved by House and Senate conferees.

The meeting is a good tipoff that the legislation—once it is finally approved by Congress next week—will be promptly signed by President Nixon and that the initial pay raise averaging around 6 percent will be authorized by him, effective Jan. 1.

The mechanics of the new system won't be used this year because there is so little time left before the scheduled pay raise. Instead, the CSC and OMB will discuss the Bureau of Labor Statistics industry pay figures with the unions and from these discussions will make their recommendations to Nixon in the next few weeks.

However, the machinery setting up the permanent annual semiautomatic classified pay adjustments will be ready in time for the Jan. 1, 1972, salary revisions.

Here are the highlights of the system about to be approved by Congress:

The Jan. 1 pay raises are expected to range from about 4 to 7 percent.

There will be another pay adjustment Jan. 1, 1972.

Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.

The salaries of congressional employes and military personnel will also be adjusted.

The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman of Civil Service Commission and the director of the Office Management and Budget, as well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the Presidents rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidental action dating from the time it received his message.

The legislation also creates 20 additional supergrade jobs in GS–16 through 18 for new agencies recently created. It also provides travel allowances up to $10 a day for em-employes who must commute to remote cities, and it also provides quarters and subsistence allowances for employes of floating plants operated by the Corps of Engineers.

GOOD BILL

Government employe leaders are generally pleased with the pay reform bill.

They feel that by virtually eliminating Congress from its historic pay-setting role—except in cases where it will be able to override a President's denial of salary increases—it will do much to eliminate the political factors in setting government salaries.

By creating a semiautomatic annual pay adjustment system, it will insure that federal salaries will keep pace with industry, they feel.

The unions would like a little stronger voice in the pay-setting procedure, but feel that this will eventually be achieved through subsequent legislation by Congress. The eventual goal is regular collective bargaining negotiations with government on pay.

UDALL'S ROLE

Chief credit for the forthcoming new pay system belongs to Rep. Morris Udall, D–Ariz., the bill's author and the driving force in Congress to get a system where federal pay will be adjusted more or less automatically each year without political infighting and assuring government workers continuing pay comparability with those in the private sector.

[From the Washington Daily News, Dec. 10, 1970]

DEVELOPMENTS COMING FAST ON PAY FRONT

(By John Cramer)

Developments on the Federal pay raise front will come fast and furious in the next few weeks.

Like this:

First—Final House and Senate action on the conference committee report on H.R. 13000 with its new automatic pay-setting system for government's 1,100,000 classified and other white collar employes, and with its potential January pay raises for them.

The bill should breeze to final passage—no later than next week.

Second—Once the bill is approved, the President must submit pay raise proposals to Congress no later than Jan. 1. If the increases are sufficient to bring employes to the national average private enterprise level of last June, and retroactive to Jan. 1, they will take effect automatically.

But if the President proposes smaller or later increases, we then will have—

Third—The possibility that Congress will veto the President's plan. A majority vote by either House or Senate would do it. Action would have to come within 30 legislative days after the President submits his proposal. And if Congress vetoes, there'll be—

Fourth—Automatic increases to bring employes to the June, 1970, private level. They would take effect at the Start of the first pay period after the veto. In normal course, that would mean late February or early March.

NIXON MAY BALK

At this point, no one can predict what the President will recommend. But his new jawboning against inflation, and particularly against wage increases, strongly suggests he may be unwilling to propose January increases to bring employes to the June private level.

It suggests he'll propose smaller or later raises—and perhaps both.

So what sort of a raise would it take to bring employes to last June's private level?

Well, national average white collar rates advanced 5.7 per cent in the year ending June, 1969, and 6.2 per cent in the year ending last June—a total of 11.9 per cent.

But last spring's postal pay strike brought classified employees a 6 per cent increase retroactive to last January. Its effect, government pay experts said, was to put current federal rates roughly .25 per cent ahead of June, 1969, private rates.

So you subtract the .25 from the 6.2 advance in private enterprise for the year ending last June, and you come up with a prospective federal raise of 5.95 per cent.

CLOSE ENOUGH

That's close enough. Even so, however, it's strictly a rough figure.

For one thing, the way government pay schedules are constructed, the percentage increases in private rates over a year isn't always matched by a federal increase of the same precise pecentage.

The federal increase can be a little less; or even a little more.

But just for now, we'll settle for 5.95.

The Senate probably will act tomorrow on the conference report. The House will delay until conferees complete action on pending bills to increase the pay of wage board (blue collar) federal workers 4 per cent.

B-R-R-R-R-R!

Government can't be proud of the way it treats some of its employees.

Item one—Ft. Meyer firemen, assigned to the Pentagon helioport, are required to sit outside in coldest weather in a heaterless

fire truck. They get heat only when they can borrow a portable heater. And technically, it's use is against regulations. Takes too long to remove in case of a 'copter accident.

Item two—GSA building guards assigned to Navy-occupied Ballston Tower No. 1 and Ballston Tower No. 2 buildings in Clarendon have it almost as bad. They're inside, but heat in the leased buildings is turned off at night, while blowers bring air from the outside remain on.

Item three—Navy employees in one unit of National Center Building No. 3 in Virginia report having had to work in 30-degree temperature Monday. They were told to go home early if they wished. As of yesterday, things were better.

Item four—On the sixth floor of National Center Building 3 yesterday, temperature was normal, but weird drafts blew thru some areas. Really weird, employees insisted.

AUTOMATIC PAY RAISE FOR FEDERAL WORKERS EVERY YEAR?

A major change in the way federal employes get pay raises is in the works.

From now on they can look forward, for the first time, to the prospect of getting annual increases.

A House-Senate conference recommended giving the President responsibility for raising the level of federal paychecks annually, as salaries in private industry go up.

Government employes, over the years, have complained that their pay increases lagged behind the private sector, primarily because Congress had to vote on each raise and was often late in doing so.

The new system would relieve Congress from that function unless it felt the President was not being generous enough with raises.

EARLIER INCREASES

The change comes after many years of trying to keep abreast of private-industry pay. Since 1962, legislators have approved nine raises for federal white-collar workers. In the past year and a half alone, these Government employes' salaries went up 9.1 per cent in July, 1969, and an additional 6 per cent last December. Postal workers received even larger increases during that time.

Postal workers are not covered by the new pay plan. In the future they will bargain wage rates with the newly formed postal corporation. Blue-collar employes also are excluded, but stand to get substantial wage boosts under other legislation pending in Congress.

However, all military personnel are covered by a separate law which states they must receive the same pay raises that federal white-collar workers do.

Some experts contend that, in many job categories, private and federal pay are now compatible and that Government workers in the lower clerical and stenographic positions have an edge over their counterparts in business.

The promise of annual raises for federal workers is believed certain to place heavy pressure on State and local governments, labor unions and some industries to grant similar hikes to keep their employes content and prevent them from seeking jobs with U.S. agencies.

There will be considerable impact on the federal budget as well. Each year, it is foreseen, raises will add billions of dollars to U.S. Government spending.

UNDER THE NEW PLAN

Though the President is trying to hold down inflation, he is expected to move quickly to increase Government paychecks once the bill is signed. It is anticipated Mr. Nixon will order a wage boost averaging 6 per cent for about 4.5 million white-collar and military employes effective in January, 1971. Cost to Government: about 2.2 billions in calendar year 1971.

Actually, the increases will vary from job to job, reflecting what is comparable in private industry. The pay-increase figures were given to the President recently by the Bureau of Labor Statistics. The President will be allowed to grant another raise by this method in January, 1972. But after that, pay increases under the "comparability" plan will be decided this way:

A five-man panel of representatives of the biggest employe unions will make their annual recommendations for pay raises to special advisers appointed by the President. After the proposals are studied, these advisers will send a final set of pay recommendations to the President. In the early stages, this advisory job probably will be shared by the Civil Service Commission and the Office of Management and Budget.

If the President accepts the recommendations, they would go into effect in October of each year.

Should the President decide the suggested pay hikes in any year would be too much of a strain on the economy, he could present an alternate plan to Congress. If Congress took no action within 30 days, the President's plan would take effect. But if Congress vetoed the President, the more costly original recommendations given the President by the advisory group would set pay hikes.

THE PAYROLL AND COST

The promise of annual raises held out by this new system probably ends all hopes of ever cutting down the total cost of Government payrolls. For, as the charts on page 19 show, even though the number of Government workers has fluctuated, the payroll has gone up and up.

In the past year, there was a sizable drop in Government employment. The bulk of cutbacks came in military personnel, as the Administration reduced defense spending and wound down the war in Southeast Asia. But there were moderate declines on the civilian side, as well.

Nevertheless, the two big pay hikes workers got in 1969 boosted total Government payrolls almost 4 billion dollars for the fiscal year ended June 30, 1970.

Now it looks as though payrolls in fiscal year 1971 will be up another 2.7 billions, including the first increase expected under the new comparability plan to match private-industry pay.

Groundwork for these trends was set in the period between 1960 and 1970. Then Government's civilian force grew only about 24 per cent, but civilian pay climbed 109 per cent to 26.8 billions.

The average mean pay of a Government civilian worker in June of this year was estimated at $9,100, more than 70 per cent higher than 10 years earlier.

For white-collar employes, the results have been even more dramatic. They now have an average pay of $11,000, a jump of 94 per cent since 1960.

During the same 10-year period, military employment, spurred sharply by fighting in Vietnam, rose roughly 24 per cent, or about the same rate as civilian numbers. But military pay rose 112 per cent, to 22 billion dollars in 1970, a record for both peacetime and war.

PRIVATE INDUSTRY

Many companies are concerned about what effect the huge increases in Government pay, now promising to come year after year, will have on their own pay and hiring problems.

Most businesses in the Washington, D.C., area, where the greatest number of Government employes work, are sensitive to federal pay increases. If they do not raise the wages they pay to keep pace, key personnel can be lost to Government agencies.

Businessmen doubt that the impact on private industry in other cities will be anywhere nearly as great. The next-largest group of federal workers is in the New York City area, but the total there is only about one third of the more than 300,000 in the Washington area. Other city areas with more than 50,000 federal employes each include San Francisco-Oakland, Philadelphia, Chicago, Los Angeles-Long Beach and Baltimore.

The influence on State and local government hiring could be more immediate, some officials believe. Out of about 12.7 million civilians working for all levels of government in the U.S., more than 10 million are employed by State and local agencies. Where pay for similar jobs is below that of federal workers, discontent could arise.

However, during the last decade State and local-government payrolls have risen 156 per cent—a good deal faster than federal costs—to 58.9 billion dollars in 1969. During the same period, State and local employment increased by 61 per cent—again much more than the number of federal jobholders.

INCENTIVE FOR UNIONS?

Few doubt that labor unions will pay close heed to pay increases the Federal Government grants under the new law.

In recent months, labor has come under heavy fire for seeking large wage hikes, while the Administration battles to bring inflation under control. Union leaders have countered that the increases they want are to keep their members' pay in line with the cost of living.

If the President grants a 6 per cent increase to keep up with pay in private industry, it is likely unions will want to get their members in private industry and State and city agencies further hikes of at least that much.

Thus, the country faces this question: Will these annual Government raises merely reflect private pay, or will they tend to guide industry and unions in the direction of more private pay increases in the future?

Mr. ELLENDER. Mr. President, I do not want to take more of the time of the Senate. I prepared a letter some time ago which was delivered to every Senator, indicating the implications involved if the Senate adopted the pending conference report.

Mr. President, I am very hopeful that the report will be rejected because I think we are doing the President an injustice by placing him in a position where he will have to act on the recommendations of a certain council created by the bill in question. A 6-percent increase will mean an increase of $2.2 billion in Federal expenditures for Government workers and our military personnel.

Some time ago Congress raised the salaries of the clerks of the major committees to the tune of about $35,000-some-odd, and notwithstanding that raise, they would be entitled to an additional 6-percent raise if this report is adopted.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the letter that I addressed to every Member of the Senate—and I am sure that it was delivered—be printed at this point in the RECORD.

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

UNITED STATES SENATE,
Washington, D.C.

DEAR ———: The Conference Report on H.R. 13000 (the Federal Pay Comparability Act of 1970) will be considered before the Senate adjourns sine die, and I think you

know that I will oppose adoption of the Report and will request a record vote.

I want you to understand the reasons for which I am opposing adoption of the Report. If all Senators understood the full implications of what is about to happen, I think a substantial majority might side with me in wanting either to reject the Report entirely or, at very least to have it recommitted with instructions.

Simply stated, neither the House Bill nor the Senate Bill delegated final Congressional authority over Federal wage increases, but the Conference Report does just this and is therefore most improper and is at least subject to challenge in substance, if not on a point of order.

The Senate bill simply did not touch on the subject; it did not delegate any final authority whatever over the enactment of wage increases.

The House bill set up a Commission whose recommendations still had to be specifically approved (or modified, or rejected) by the Congress.

The conference report, however, in Sec. 5305, sets up a remarkable system whereby the Congress will retain no option whatever in any given year to reject a wage increase, or even to design one of its own. We will instead be relegated to choosing between the recommendations of a Panel of "experts" yet to be named and the possible counter-recommendations of the President.

In any given year, this system would afford the Congress nothing more than a choice between what might be the lesser of two evils. As far as the Senate itself is concerned, we may not even have that choice, because rejection of the President's recommendations by the House would automatically put the recommendations of the Panel into effect. At that point nothing the Senate could do would have any effect whatever on what pay increases, if any, should go into effect. By the same token, the House would be denied any say in the matter once the Senate had rejected the President's recommendations, thereby putting the Panel's recommendations automatically into effect.

Although the substitute language of Sec. 5305 may have been technically proper for the Conference to recommend (because it results basically from striking part of a provision found in the House Bill) it is substantively improper because it results in a *major delegation of congressional authority which is clearly and emphatically beyond the intention of both the Senate in its bill and the House in its bill.*

I sincerely hope that you will look carefully into this matter and will help me in having this Report either rejected so that the Senate can have full debate on the subject or at least recommitted with instructions to our conferees that they secure a provision which does not delegate away any more of the Congress' final authority over Federal wage increases than does the provision in the House-passed bill. Under that language, we would retain full power to accept, reject or modify recommendations from the Panel or the President.

To adopt the Conference Report in its present form would give away that power on a *permanent* basis, because to get it back would require new legislation which would itself be subject both to filibuster and to the presidential veto.

In view of the seriousness of this threat to the Congressional power over Federal pay scales, I hope you will join me on the floor for a detailed examination of the Report when it is called up.

With personal regards, I remain

Sincerely yours,

ALLEN J. ELLENDER,
U.S. Senator.

P.S.—I think you realize also that if this Report is adopted, it will mean an across-the-board 6% increase on January 1, 1971, for all classified and military personnel at a cost of $2.2 billion. Under the workings of the peculiar and totally-unpredictable mechanism described above, it will also provide for additional increases on January 1, 1972, on October 1, 1972, and on every October 1 thereafter. Assuming that the two increases scheduled for 1972 are also on the order of 6% each, we will have given 5 increases, totaling 37.7%, in a period of only three years and four months—July 1969 to October 1972. This is hardly a way to fight inflation!

Furthermore, if after adoption of the Report the President pro tempore adjusts the pay of Senate employees in an equivalent manner, the top salary of one person in your office would exceed $35,200. This particular result directly contradicts a 51–33 record vote on December 14 in which the Senate specifically rejected a provision in the 1st Supplemental Appropriations Bill which would have raised the top assistant's salary to $35,496. As I understand it, these adjustments could increase the Committee Staff maximum to $36,000.

Mr. ELLENDER. Mr. President, in that letter I indicated:

Assuming that the two increases scheduled for 1972 are also on the order of 6 percent each, we will have given five increases, totaling 37.7 percent, in a period of only 3 years and 4 months—July 1969 to October 1972. This is hardly a way to fight inflation.

Mr. President, as I said, it would put the President in an awkward position. I do hope that the report is rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HOLLAND. Mr. President, I strongly support the position just stated by the distinguished Senator from Louisiana. I strongly hope that the Senate will not be in a position to abdicate or surrender its own jurisdiction in the way proposed by the conference report.

I call attention to several specific objections that I have to this report at this time. First, this particular plan has never before been before the Senate. It has never been the subject of hearings by the Senate or any of its committees. We have no report based upon this particular plan embraced in this conference report which differs very greatly from both the Senate bill, as originally passed, which has already been enacted—or more than already enacted because the more generous salary bill was enacted in 1970—more generous than the original Senate bill passed in 1969.

We have not had this matter before the Senate. It has not been debated here. We have not had hearings. We have not had a report on it and we do not have a report on it now.

The second objection I have is to the way the conference report is drawn. It subordinates the President to his agents who, we are told, will be the Chairman of the Civil Service Commission or the Director of the Budget, or both of them. They are not named in this bill. They are simply named as the President's agent, whomever he might appoint.

Under this bill various committees are set up. The Senator from Louisiana has mentioned them. First, there is the Federal Employees Pay Council of five members, who are the heads of the employee unions of civil service employees. The article by Mr. Young states they will be the heads of the largest civil service unions.

Second, there is required the appointment of an advisory committee of three members. This is provided for in section 5306 of the bill on page 5. They are supposed to be not otherwise employed in government. They are supposed to be recommended to the President for his consideration as persons generally recognized for impartiality, knowledge, and experience in the field of labor relations and pay policies.

I remind the Senate of a somewhat similar bill, where the rights of Congress were much better reserved than under this bill, where a similar Commission of impartial men from business recommended pay raises which were so large that then-President Johnson could not agree to them. That Commission recommended a $50,000 rate for Members of Congress. The President, in his judgment, thought that was too much and cut the amount to $42,500. That Commission recommended similarly high rates for various members of the judiciary. The President, in his judgment, cut down some of them materially before he made any report to Congress.

However, under this bill, this advisory committee and the Federal Employees Pay Council make their recommendations to the President's agent, who, as I said, would be either the Chairman of the Civil Service Commission, the Director of the Budget, or someone named by him, or both of them, and those people are said to be the agent of the President under this bill. They, after considering these recommendations, and in the effort to accomplish comparability of pay, which all of us desire to see accomplished, recommend a pay rate which they think will be comparable to pay rates in private industry.

Mr. President, I call attention to something that was mentioned by the distinguished Senator from Alaska and which has not been mentioned by anyone else in this debate. These rates will not be equal as to all classifications any more than were the rates recommended by President Johnson some time ago. They will be addressed to each of the groups in the effort to obtain comparability in the judgment of the President's agent. When the plan comes to us, if it comes to us at all, it will have to come because the President disagrees with his agent. If the President does not disagree with his agent, whatever that plan is, we have surrendered to the President, who announces the program as recommended to him by the agent. We have agreed in advance to that.

We are asked by this bill, therefore, to abdicate our right to consider the plan, if the President recommends the plan that is recommended to him by his agent. I do not think Congress is ready to abdicate its right yearly—more than yearly for the early future, but on a year by year basis for the indefinite future—to have anything to say about pay raises.

Particularly do I think it is unwise when we remember what we did when the President's program came to us, which I mentioned a while ago, in which $42,500 was recommended as the rate of pay for Members of Congress. We changed some details of that plan because we had the right. We had reserved

to ourselves the right to pass upon the merits of the proposal, and its several details.

We do not reserve any such right at all under this particular conference bill to make any change at all if the President approves what his agent recommends and simply sends it to us. It is something which will take effect regardless of what we do unless we pass a law to set it aside. The Presiding Officer knows how difficult it would be to pass such a bill in the limited time set out here, which is 30 days.

It is only when the President varies from the recommendation of his agent that the plan comes to Congress, so Congress has the right to either accept the President's plan or reject it within 30 days and, therefore, to go back to the plan recommended by his agent.

In other words, if the agent recommends a program of pay rates that averaged a 10-percent increase, and if the President because of his feeling that the Nation was not in a condition to justify such a raise, recommended an average 5-percent pay raise, we would have a magnificent choice between the average 5-percent rate and the average 10-percent rate, and that is the only choice we have. If we turn down the President's more economical plan, under this bill we go back to the original plan, the average of 10 percent.

This has been admitted by the sponsors of the bill in colloquy with the few Members of the Senate who were here. I wish more Members of the Senate had been here.

I repeat that in the event the President refuses to pass on the recommendation of his agent, but instead refuses it, the magnificent right is reserved to Congress to either approve or disapprove the President's recommendation and should we disapprove it we go back to the recommendation of his agent. We have only the choice between those two programs and no other choice. There is no doubt about this. It is admitted by the sponsors of the bill and the handlers of the conference report.

To me it is rather unthinkable that in the first instance we are asked to approve a program under which if the President approves his agent's recommendation we have no jurisdiction at all. It would not even come to us; and in the second instance if he disapproves those recommendations and sends us different ones, let us say reduced ones as in the case of President Johnson, we have the choice of either approving those reduced recommendations as a whole or disapproving them, and in the event we disapprove them we go back to the agent's recommendation, meaning we put the agent before the principal. That is what we are asked to do or to be permitted to do under the terms of this conference report.

Mr. President, for the reasons I have stated, it would seem to me completely intolerable for this Congress to seriously consider approving this conference report—a conference report that sets up a new plan, appearing in neither the Senate bill nor the House bill, a new plan on which there have been no hearings, on which there has been no report, on which there has been no debate heretofore, because we have never seen it until it comes here in the form of a conference report more than a year after the original bills were passed.

For the reasons which I have cited, but particularly for the reason that I think this Congress should not even think about surrendering, abjectly resigning its rights entirely in such a manner, and particularly in view of the fact that we might find some recommendations which we approve in a general set of recommendations, and some which we disapprove but are unable to get at, I think we should reject the conference report; and I strongly plead that the Senate do just that—reject the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report. 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 Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Delaware would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 40, nays 35, as follows:

[No. 461 Leg.]

YEAS—40

Baker	Javits	Percy
Bayh	Jordan, N.C.	Proxmire
Bible	Kennedy	Randolph
Brooke	Magnuson	Ribicoff
Byrd, W. Va.	Mansfield	Saxbe
Case	Mathias	Schweiker
Cook	McGee	Scott
Dole	McGovern	Smith
Goodell	McIntyre	Stevens
Gravel	Metcalf	Talmadge
Griffin	Mondale	Williams, N.J.
Hartke	Moss	Yarborough
Hollings	Nelson	
Jackson	Pell	

NAYS—35

Aiken	Ervin	Murphy
Allen	Fannin	Packwood
Allott	Fulbright	Pastore
Bellmon	Gore	Prouty
Bennett	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Church	Holland	Stennis
Cooper	Hughes	Symington
Cotton	Jordan, Idaho	Williams, Del.
Cranston	Long	Young, N. Dak.
Curtis	McClellan	Young, Ohio
Ellender	Miller	

NOT VOTING—25

Anderson	Goldwater	Muskie
Boggs	Harris	Pearson
Burdick	Hart	Russell
Cannon	Hatfield	Stevenson
Dodd	Hruska	Thurmond
Dominick	Inouye	Tower
Eagleton	McCarthy	Tydings
Eastland	Montoya	
Fong	Mundt	

So the conference report was agreed to.

Mr. CANNON subsequently said: Mr. President, when the vote on Federal pay legislation was called, I was unavoidably detained and arrived on the floor 2 minutes after the vote had been concluded. I would like the RECORD to show that had I been here for the vote I would have voted "no" on the conference report on Federal pay legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended.

LEAD-BASED PAINT POISONING PREVENTION ACT—CONFERENCE REPORT

Mr. YARBOROUGH. 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. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation. I ask unanimous consent for the present consideration of the report.

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

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

CONFERENCE REPORT (H. REPT. No. 91-1802)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

(b) The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with the appropriate local program assisted under section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $3,330,000 for the fiscal year 1971 and $6,660,000 for fiscal year 1972.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $5,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $1,670,000 for the fiscal year 1971 and $3,340,000 for the fiscal year 1972.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

And the Senate agree to the same.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS,
TED KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
J. K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
Managers on the Part of the Senate
WM. A. BARRETT,
HENRY REUSS,
T. L. ASHLEY,
WILLIAM MOORHEAD,
WILLIAM B. WIDNALL,
SY HALPERN,
WILLIAM STANTON,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, the principal author of this bill is the distinguished Senator from Massachusetts (Mr. KENNEDY). I am one of the coauthors. As chairman of the Subcommittee on Health, I have heard the testimony. Senator KENNEDY has been very diligent in pursuit of the measure and so have some Senators across the aisle in the other party, and some Members of the House. We have diligently pushed this bill.

This bill is designed to help local governments develop programs to eliminate the causes of lead-based paint poisoning that affects almost 400,000 children annually, causing 200 deaths and leaving many thousands permanently mentally retarded. This is not some new disease recently found. This is something that has been going on for scores of years, and we have known it for scores of years, and

it is one of those things about which we have done nothing up to this time.

Several cities have led in this country in doing something about it on a local basis—notably Baltimore, Md., and Cincinnati, Ohio, Boston, Chicago, and New York are now following suit, but in most of the country practically nothing is being done.

Children between the ages of 1 and 5 are afflicted with something called pica.

I do not think it is a disease, but it is a trait of those years of age in children, they go around eating almost anything they can get their hands on—paint, dirt, most anything. They often become permanently retarded if they eat lead-based paint, which they find peeling off the walls, usually of old buildings.

The Senate bill authorized $24.5 million annually for 3 years; the House bill authorized $15 million annually for 2 years. The conferees agreed on $10 million for the first year—fiscal 1971—and $20 million for the second year—fiscal year 1972. Since 6 months of 1971 are already passed, we consented to the lower figure the first year, and raised the House figure for the second year.

The distinguished Senator from New York (Mr. JAVITS) made a notable contribution to this. He proposed that we cut out the third year's authorization, to have time to amend this law and improve it after the first year and a half.

It is hoped that the bill will be a proven success after the first 2 years and Congress can enact an extension with a larger appropriation.

I urge my colleagues to approve this conference report on a very worthy bill.

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

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. First of all, I urge the adoption of the conference report by the Senate.

I commend the chairman of the Subcommittee on Health, the distinguished Senator from Texas (Mr. YARBOROUGH), for the work he has done on the measure. He has had strong bipartisan support.

I see the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) on his feet. He has been extremely interested in this program and proposal and has a somewhat different approach, but he has been extremely helpful in the development of the measure.

This is one of the most significant and important pieces of legislation to come out of our committee this year. It is not a measure of massive scope, but best estimates are that the adoption of this conference report will result in the saving of the lives of 200 children in the next year. It is therefore a matter of great importance. It has had strong support on both sides of the aisle, and I am grateful for its passage.

I join the distinguished Senator from Texas in urging adoption of the conference report, and I commend him for the work he has done in the matter.

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

Mr. YARBOROUGH. I yield.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Texas for his leadership in this area, as well as the Senator from Massachusetts. They have been very diligent in pursuing this matter.

I think this is one of the few cases in which we can point to a disease and we say that we know how to stop it, and all it takes is an investment to stop it. It is a childhood disease, one that affects slum and ghetto children. It is rather ironic, in this day and age, when no more medical knowledge is needed, and all we need is some implementation money to put it into effect.

I strongly support the conference report, and I commend the Senator from Massachusetts and the Senator from Texas for their work.

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

Mr. YARBOROUGH. I yield.

Mr. JAVITS. Mr. President, I should like to join with my colleagues in commending Senator YARBOROUGH, who pursued this matter with great vigor. I think the program that was worked out in conference will do it great credit.

The Senate knows that it is a terrible problem in the slums of the big cities—indeed, everywhere—and I think that many families, hundreds of them, will be grateful to the Senator and will have him in their hearts and their prayers for this fine legislation.

Mr. YARBOROUGH. I thank my colleagues. This is breakthrough legislation.

Let me point out, in conclusion, that on December 26, the President signed the family planning bill, which he rightly praised and saw as a great breakthrough bill. On the 29th, yesterday, he signed the occupational health and safety bill, which was sought for 30 years, and is designed to protect the safety and lives of 80 million American workers.

This session of Congress is not an unmitigated disaster. With respect to the criticism leveled at this Congress because Members are exercising their individual judgment, if we weigh everything done in this session, this is a very beneficial session to the American people. The great service that will be done this country by those three laws alone is worthy of any session, of whatever length.

I regret that two other major bills were vetoed. If we had those five, this third session, this short one, would rank with most of the long sessions in productive legislation.

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

Mr. YARBOROUGH. I yield.

Mr. MURPHY. Mr. President, I should like to join my colleagues in congratulating the Senator from Texas for taking the lead in this matter. It is just another "thanks" that this Nation will owe to this great Senator for many years to come. He has taken the lead and guided through the committee a long list of thoughtful, practical, realistic approaches in order to make the condition of health for people in our country a little better. I am pleased to have been part of his committee, and I am honored to join with my colleagues in recommending most enthusiastically the adoption of this conference report.

Mr. YARBOROUGH. I thank the Senator from California.

In the hearing on the cancer measure a few days ago, the Senator from California made statements that moved 13 scientists and 13 great leaders of industry in this country as I have not seen them moved before. When we were considering the bill to fight cancer, to find the cause and cure by 1976, the distinguished Senator from California said:

> Twice in my life I have been told, "You have cancer.

He said that a man who has never been told that he has cancer does not know what it means to the soul and the psyche to be told that one has cancer. He has had it twice and he has recovered. He has made a notable contribution to the cancer hearing, as well as to this measure which is now pending, and I want to thank him for that contribution and for his kind remarks about me.

Mr. BENNETT. I should like to ask the Senator a question about the way in which the bill came back from conference. Was the language straightened up so that it applies only to residences?

Mr. YARBOROUGH. Yes. The language was clarified in conference with the House. We thought it applied only to the residences before, but it is crystal clear now.

Mr. BENNETT. Is the definition on the lead-based paint the one in the House or in the Senate?

Mr. YARBOROUGH. The one in the Senate bill. It is more comprehensive and more thorough.

Mr. BENNETT. I thank the Senator from Texas.

Mr. SPARKMAN. Mr. President, I would like to point out that in September we passed a housing bill here that had very much the same provision in it. As we went to conference with the House on it, they had nothing in their bill. In the meantime, starting here, we gave way to the increases we had in the housing bill, in order that the job might be completed, as we were assured it would be in the committee chaired by the Senator from Texas (Mr. YARBOROUGH). I want to commend him and his committee for bringing this up.

Mr. YARBOROUGH. I thank the Senator.

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

The motion was agreed to.

The PRESIDING OFFICER (Mr. CURTIS). The question is on adoption of the conference report.

The conference report was agreed to.

REMARKS BY THE MINORITY LEADER OF THE HOUSE ABOUT THE SENATE

Mr. KENNEDY. Mr. President, while driving home after we recessed last evening, I listened to a report of remarks about the U.S. Senate made by the minority leader of the other body yesterday on the floor of the House. This morning, I read in the RECORD the transcript of his stiff indictment of this body's actions.

While I do not intend to debate the merits of the minority leader's remarks, I do think it appropriate to observe that his recriminations and castigations are not helpful to either House of Congress, particularly at this time.

It is not conducive to a better working relationship between our Houses for a party leader of one body to speak of procrastination, indecision, inability to get

the job done, on the part of the other body, and to state categorically that "the fault lies at the other end of the Capitol."

First of all, Mr. President, the allegations are unjust and undeserved. There is adequate blame for both Houses and for the President for the legislative dilemma from which I believe we are only now beginning to extricate ourselves. The issues, and the times, and the public nature of the legislative process, plus the obvious need for substantive reform of legislative procedures and rules, including the hoary system of conducting conferences, are better explanations for the problems we face.

The minority leader demonstrates a colossal, almost incredible misunderstanding of how the Senate operates. The Senate is justifiably called the greatest deliberative body in the world. This Chamber was provided by the writers of the Constitution with the power to withstand severe outside pressure. We have not procrastinated, but in some areas we have refused to pass legislation, and have, in that way, taken our stand.

As an example, Mr. President, we are seeing, finally, language written into legislation prohibiting the use of American ground troops to extend the Indochina conflict—a prohibition which according to all the polls, the majority in the country desires, and a prohibition which the Senate has insisted upon on several occasions by attaching the language to several pieces of legislation. As a result of complete inflexibility on the part of conferees from the other body, one bill containing this language has been locked in conference, since July of this year. Just now, after 8 months of debate, we are working out a compromise which permits this prohibition to become law. I will submit, Mr. President, that this result is worth the painful process we have gone through, and reflects great credit upon the Senate as a body, and on many Senators individually.

But there is a greater misunderstanding evidenced by the minority leader's statement, and that is in the delicate nature of the relationship between the Senate and the House, a relationship where good will and working effectiveness is based on mutual respect for the prerogatives of each body.

Mr. President, I think this mutual respect is best illustrated by referring to the comments made by the distinguished majority leader of the Senate in the RECORD of yesterday at page 43854 in the middle column, when he said:

> Mr. MANSFIELD. If the Senator will yield before yielding to the Senator from Florida, may I say that what the House does is its responsibility, and what the Senate does is ours. I hope the Senate will face up to its responsibilities without regard to what the other House thinks or what is thought downtown.

I would think, Mr. President, that during this difficult period of stress where the joint leadership of both bodies are striving in good faith to resolve the problems necessary to permit a sine die adjournment, that this objective can better be achieved by an expression of understanding by Members of each body, or, failing that, a discreet silence.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CURTIS). 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 29, 1970, p. 43813, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, I am ready to take up the conference report. As I understand it, from the parliamentary procedure, it is the first order of business that we vote on the conference report, which is in complete agreement as between the conferees of the two Houses.

Then the item in disagreement which the conferees placed in disagreement will then be legitimate business immediately to follow; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. Mr. President, the foreign aid conference was one of the most amicable conferences I have been privileged to attend during my years in the Senate. I firmly believe that the friendly atmosphere which prevailed permitted the members of the conference to forge an excellent foreign assistance appropriation bill for fiscal year 1971.

The amount agreed to by the conference for the total bill aggregated $2,534,310,000. This sum is $342,229,000 below the President's budget estimate which was submitted to the Congress last January based upon the 2-year authorization granted by the Congress during the first session of the 91st Congress. The amount recommended by the conference was $313,349,000 over the sum recommended by the House, and it was $69,329,000 below the Senate recommendation.

Mr. President, I would like to quickly run over the four titles of the bill and give similar comparisons to that which I have just completed giving on the total bill.

Title I of the bill, which contains the appropriations for the Agency for International Development, for the reserves of the Overseas Private Investment Corporation (OPIC), and for the military assistance program, comprised a budget estimate totaling $2,200,500,000. The committee on conference for this title of the bill recommends an appropriation of $1,940,185,000, which sum is $260,315,000 under the budget estimate, $264,215,000 below the sum recommended by the Senate, and $295,235,000 above the sum recommended by the House.

For the technical assistance program, a total of $353,435,000 has been provided, comprised of $166,750,000 for the worldwide bilateral technical assistance program and for the Alliance for Progress, $82,875,000.

For the mutilateral technical assistance program, which includes the U.N. development program, U.N. drug control program, U.N. children's fund, population programs, and others, the sum is $103,810,000.

For supporting assistance and the contingency fund, the conference committee recommends the full amount of the budget estimates of $414,600,000 and $15,000,000 respectively.

For the development loan programs, a total of $707,500,000 has been recommended, of which $420,000,000 is for the worldwide development loan program and $287,500,000 for the Latin American area.

For title II of the bill, which consists of the foreign military credit sales program, the President's request was $272,500,000. The House had recommended appropriation of the full budget estimate and the Senate denied the appropriation of any funds, without prejudice, because authorizing legislation had not passed the Congress at the time this appropriation bill was taken up in the Senate. The House has now voted on the sum of $200,000,000 for fiscal year 1971 for this program. Authorizing legislation for this item has passed both bodies of the Congress. For fiscal year 1971, the House has authorized $272,500,000 of appropriations and a credit sales program of $385,000,000. The legislation as passed by the Senate authorizes $250,000,000 for appropriations and a program limitation on total credit sales of $300,000,000. Thus, Mr. President, the amount recommended by the House is considerably below the ceilings that have been established for this item by both bodies of the Congress in the authorizing bill.

Title III of the bill consists of appropriations for the Peace Corps, the administration of the Ryukyu Islands, assistance to refugees in the United States, assistance to the migration and refugee program, administered by the Department of State, and subscription payments for the Asian Development Bank and the International Development Association. For this title, the committee on conference recommends a figure of $394,125,000, which is $9,414,000 below the budget estimate, $5,114,000 below the sum recommended by the Senate, and $90,614,000 above the House allowance.

Mr. President, the bill as reported by the Senate contained the budget estimate for the increase in quota of the International Monetary Fund, amounting to $1,540,000,000. This estimate was contained in Senate Document No. 110 and, needless to say, was not considered by the House.

At the time the appropriation bill was considered, the Congress had not yet authorized an appropriation for the increase in quota of the Monetary Fund. Consequently, the Appropriations Committee recommended a proviso which made the appropriation ineffective until the enactment into law of H.R. 18306 or similar legislation. Because there is little or no controversy attached to this increase in quota, the Senate conferees agreed to the deletion of the proviso in the conference.

As I indicated when debate took place on this appropriation bill several weeks ago, the funds appropriated for the In-

ternational Monetary Fund would provide for an increase in the U.S. quota from $5,160,000,000 to $6,700,000,000. The increase is part of a general increase in quota approved by the Board of Governors of the International Monetary Fund, which has been necessitated by the rapid growth of world trade and payments in recent years. The increase in quotas is to strengthen the international monetary system by providing the Fund with additional resources for medium-term lending to member countries experiencing short-term balance-of-payments problems.

The $1,540,000,000 that is appropriated will not increase budget outlays because the payment results in an exchange of assets. Of the total, $385,000,000 will cover the required 25-percent portion of the increase payable in gold. The balance of $1,155,000,000 will be made available to the Fund in the form of a letter of credit.

Mr. President, this concludes my report of the action taken by the committee on conference.

I ask unanimous consent that a tabulation on the agreed-to amounts be inserted into the RECORD.

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

[In thousands of dollars]

Agency and item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House version of bill	Senate version of bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES								
Funds Appropriated to the President								
Economic assistance:								
Technical assistance	353,250	396,870	310,000	396,870	353,435	−43,435	+43,435	−43,435
(1) Worldwide	(166,750)	(183,500)	(150,000)	(183,500)	(166,750)	−16,750	+16,750	−16,750
(2) Alliance for Progress	(81,500)	(90,750)	(75,000)	(90,750)	(82,875)	−7,875	+7,875	−7,875
(3) Multilateral organizations [2]	(105,000)	(122,620)	(85,000)	(122,620)	(103,810)	−18,810	+18,810	−18,810
American schools and hospitals abroad	[3] 25,900	8,895	8,600	12,895	12,895	+4,000	+4,295	
Prototype desalting plant for Israel	20,000							
Indus Basin Development Fund:								
(a) Grants	7,530	5,850	4,000	5,850	4,925	−925	+925	−925
(b) Loans		7,960	6,000	7,960	6,980	−980	+980	−980
Training of Arab refugees (UNRWA)	1,000	1,000	1,000	1,000	1,000			
Supporting assistance	395,000	[5] 414,600	375,000	414,600	414,600		+39,600	
Contingency fund	12,500	15,000	12,500	15,000	15,000		+2,500	
Alliance for Progress, development loans	255,000	337,500	225,000	337,500	287,500	−50,000	+62,500	−50,000
Development loans	[6] 300,000	570,000	280,000	570,000	420,000	−150,000	+140,000	−150,000
Administrative expenses:								
(a) AID	[8] 51,000	51,125	50,000	51,125	51,000	−125	+1,000	−125
(b) State Department	[9] 3,700	4,200	4,100	4,100	4,100	−100		
Total, economic assistance	1,424,880	1,813,000	1,276,200	1,816,900	1,571,435	−241,565	+295,235	−245,465
Overseas Private Investment Corporation (Reserves)	37,500	37,500	18,750	37,500	18,750	−18,750		−18,750
Military assistance (grants)	[11] 350,000	350,000	350,000	350,000	350,000			
Total, title I	1,812,380	2,200,500	1,644,950	2,204,400	1,940,185	−260,315	+295,235	−264,215
TITLE II—FOREIGN MILITARY								
Credit sales	[12]	272,500	272,500		200,000	−72,500	−72,500	200,000
TITLE III—FOREIGN ASSISTANCE (OTHER)								
Peace Corps	98,450	98,800	[23]	94,500	90,000	−8,800	+90,000	−4,500
Limitation on administrative expenses	(30,100)	(31,400)	[26]	(31,400)	(30,000)	(−1,400)	(+30,000)	(−1,400)
Department of the Army—Civil Functions								
Ryukyu Islands, Army:								
Administration	[14] 18,790	6,952	6,000	6,952	6,476	−476	+476	−476
Limitation on administrative and information expenses	(3,151)	(3,107)	(3,107)		(3,107)			(+3,107)
Reappropriation of unobligated balances	[15] 1,847							
Department of Health, Education, and Welfare								
Assistance to refugees in the United States	[16] 87,282	112,000	112,000	112,000	112,000			
Department of State								
Migration and refugee assistance	[17] 5,511	[18] 5,787	5,511	5,787	5,649	−138	+138	−138
Funds Appropriated to the President								
Asian Development Bank	[19] 20,000	[20] 20,000	20,000	20,000	20,000			
Investment in Inter-American Development Bank	[21] 300,000							
International Development Association	[22] 160,000	[23] 160,000	160,000	160,000	160,000			
International Monetary Fund—Quota Increase		[27] 1,540,000)	[29]	(1,540,000)	(1,540,000)		(+1,540,000)	
Total, title III, foreign assistance (other)	691,880	403,539	303,511	399,239	394,125	−9,414	+90,614	−5,114
TITLE IV—EXPORT-IMPORT BANK								
Limitation on program activity	(3,427,413)	(4,075,483)	(4,075,483)	(4,075,483)	(4,075,483)			
Limitation on administrative expenses	(5,548)	(6,613)	(6,613)	(6,613)	(6,613)			
Grand total, all titles	2,504,260	2,876,539	2,220,961	2,603,639	2,534,310	−342,229	+313,349	−69,329

[1] Detail may not add to totals due to rounding.
[2] Excludes $19,600,000 appropriated for fiscal year 1970 and $19,300,000 proposed for fiscal year 1971, in supporting assistance funds for UNRWA and the U.N. Force in Cyprus.
[3] Excludes $3,000,000 in Moroccan dirhams for the University of North Africa, Tangier, Morocco.
[4] Amount shown is the appropriation request. No new authorization is needed since the Foreign Assistance Act of 1967 authorized the appropriations of $51,220,000 for Indus Basin loans to remain available until expended.
[5] Excludes $100,000,000 requested in the fiscal year 1971 budget, but which requires authorization.
[6] Does not reflect a transfer out of $3,400,000 as proposed in the 2d supplemental appropriation bill, 1970.
[7] Under sec. 202(a) of the Foreign Assistance Act of 1961, as amended, any unappropriated portion of the amount authorized for development loans for any fiscal year during the period fiscal years 1967–71 may be appropriated in any subsequent fiscal year during that period. Total amount of $650,000,000 authorization consists of an unappropriated balance of $300,000,000 still available from the fiscal years 1967–70 period plus $350,000,000 authorized for fiscal year 1971.
[8] Excludes transfer in of $3,200,000 as proposed in the 2d supplemental appropriation bill, 1970.
[9] Excludes transfer in of $200,000 as proposed in the 2d supplemental appropriation bill, 1970.
[10] Amount shown is the appropriation request. The Foreign Assistance Act contains permanent authorization for appropriation of "such amounts as may be necessary."
[11] Of which, $50,000,000 shall be available only for the Republic of China.
[12] Requested $275,000,000 but authorization was not enacted.
[13] Authorization is pending.
[14] Excludes $200,000 as proposed in the 2d supplemental appropriation bill, 1970, and an unobligated balance of $1,861,000 that was reappropriated.
[15] The $1,847,000 in the fiscal year 1970 budget was reestimated in the fiscal year 1971 budget at $1,861,000.
[16] Excludes transfer in of $90,000 as proposed in the 2d supplemental appropriation bill, 1970.
[17] Of which not to exceed $4,814,000 shall remain available until Dec. 31, 1970. Excluded are $60,000 as proposed in the 2d supplemental appropriation bill and $5,752,000 transferred from AID.
[18] Of which not to exceed $5,014,000 shall remain available until Dec. 31, 1971.
[19] For 4th installment subscription on paid-in capital stock.
[20] For 5th and final installment on paid-in capital stock as authorized by Public Law 89–369.
[21] For 3d installment to the fund for special operations authorized by Public Law 90–88 of Sept. 22, 1967, for a total of $900,000,000.
[22] 2d installment on a total authorization of $480,000,000 for contribution to callable capital.
[23] 3d and final installment as authorized by Public Law 91–14.
[24] Authorization is still pending on certain items.
[25] $80,000,000 reported by House Appropriations Committee but deleted on House floor on point of order due to lack of authorization.
[26] $28,000,000 limitation reported by House Appropriation Committee, but deleted on House floor on point of order due to lack of authorization.
[27] Contained in S. Doc. No. 91–110.
[28] Authorization pending H.R. 18306.
[29] Not considered by the House.

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

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that the Chair lay before the Senate motions approved by the House of Representatives relating to amendments 6, 17, and 24. May I say to my colleagues that those are technical in nature and they involve no controversy. It is just a matter of cleaning up the record in regard to them.

The contentious amendment on military sales is numbered No. 19 and that is not included in this category.

The PRESIDING OFFICER (Mr. CURTIS). The amendments in disagreement referred to will be stated.

The assistant legislative clerk read, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert: ", and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science and the Bar-Ilan University by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), are hereby waived."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment, as follows:

Strike out the period at the end of the proposed amendment, and insert: ": *Provided*, That not to exceed $10,000,000 shall be available to carry out the authorized programs during the current fiscal year.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,800,000 to remain available until expended."

Mr. McGEE. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 6, 17 and 24.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will read the remaining amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

"TITLE II—FOREIGN MILITARY CREDIT SALES

"Foreign Military Credit Sales

"For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $200,000,000."

Mr. McGEE. Mr. President, amendment No. 19 is the one that relates to foreign military credit sales. The House has concurred in a motion by the Chairman of the House managers to recede from its disagreement to the amendment of the Senate, and to concur with an amendment to fix the sum, as the Senate did on foreign military credit sales, at $200 million.

Now the House, we can testify on two separate conferences, is adamant on this matter. The point of it is, from the standpoint of the Senate conferees, we remain adamant on our new instructions sent back to conference from the Senate.

It was our feeling that at least in principle we had not done violence to the intent of the Senate when we held the figure at $200 million, in view of the Senate's action along with other action authorizing some of the larger sums that had been written in. So it was below the House figure. We felt that if there were to be a give and take, the will of the Senate would have to be worked on this one.

I would, therefore, move that the Senate concur in the amendment of the House to the amendment of the Senate amendment No. 19.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, may I ask, was this amendment reported in disagreement to the House when it had its recent action?

Mr. McGEE. It was reported in disagreement.

Mr. HOLLAND. What, if any, action was taken by the House?

Mr. McGEE. The House reinsisted with total adamancy on their position.

Mr. HOLLAND. Mr. President, the Senator means on their position that the Senate amendment of $200 million be insisted upon for a sale of credit provision of arms in the bill to the extent of $200 million?

Mr. McGEE. They agreed to that figure of $200 million rather than the earlier House figure.

Mr. FULBRIGHT. Mr. President, it is my impression that the Senate bill had nothing in it for this purpose. This is an unauthorized amount. The Senate bill did not have anything in it.

Mr. McGEE. Mr. President, I misspoke myself. The Senate conferees had agreed to tender the Senate figure as a compromise figure in conference.

Mr. FULBRIGHT. But the Senate had not acted upon it itself.

Mr. McGEE. The Senator is correct. They had taken some authorizing action along with some other action last June. But the Senate had not acted on the $200 million appropriations.

Mr. MANSFIELD. Mr. President, we are once again faced with what is becoming an all too familiar situation.

The question before the Senate on amendment No. 19 is one of vital importance to this body and to every Member who serves here, whether Democrat or Republican. It involves not only the issue of providing appropriations where no program has been authorized. That simple act alone is bad enough. It renders the function of the standing committees—and the standing committees are the agents of the Senate—worthless. What is even worse in this case is the fact that the Senate conferees were prepared to meet in conference to work out the differences that existed on the military sales authorization, but without success. In other words, conditions have made it impossible for the Senate standing committee to perform its function, and the House seeks now in a conference report to usurp that Senate function. The latter practice is bad enough. The former practice is inexcusable.

The foreign military sales program was extended by the Senate in early summer after having first been passed by the House. That bill, which authorized $200 million for military sales, has purportedly been in conference since July 9. The Senate committee has offered to meet on this authorization. The House has not complied. Yet the question before us now is whether the Senate shall recede from its insistance that no money shall be spent for this program until an authorization is enacted. Why, I ask, should the Senate fund a program which the House conferees has indicated its unwillingness, thus far, to authorize?

The chairman of the Appropriations Subcommittee, the distinguished Senator from Wyoming (Mr. McGEE), reported back on this conference report that the House insisted on retaining its provision of $200 million for this program and was adamant in this regard. Senator McGEE agreed to return to conference so that the $200 million item could be reported back as a separate amendment in disagreement, thus permitting both the House and the Senate to work its will individually on this item and to abide by the results.

It should be recalled that last year there was a similar effort by the other body to insert moneys for airplanes that were not authorized. At that time the Senate refused to accede by an overwhelming margin. That same issue is presented now on the question before us. But it places the Senate in a position of even deeper inferiority than was then involved. For in this case, the Senate committee responsible for the authorization has exhibited its willingness to meet with House conferees to carve out the necessary authorization.

What is at stake is not only the short-circuit of the legislative committee but the act of the other body which forced that event. The Senate has been waiting to meet in conference.

It should be noted also that in agreeing to the supplemental appropriation measure this past week, the conferees in both the House and Senate accepted the proviso which conditions the appropriation on the authorization. There is no reason why the House and Senate should respond any differently with respect to the funds here in question.

Let me say that the Senate is ready, but still the House refuses to meet on the authorization. It could be worked out; it should be worked out and the Senate committee process should be upheld.

Mr. President, I have before me two motions. The first one, in all candor I must say to the Senate, is subject to a point of order. I would hope that the Senate would refuse to recede from its amendment, but would agree to recede from its position with an amendment which would read as follows:

Provided, however, That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

I would point out that that would keep the $200 million in the bill subject only to authorization by the appropriate committee which stands ready to meet with the committee in the other body.

Mr. President, I move that the Senate concur in the House amendment to the Senate amendment numbered 19, with an amendment as follows:

Provided, however, That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

The PRESIDING OFFICER. The question is on the amendment. Would the Senator send the motion to the desk?

The motion will be stated.

The assistant legislative clerk read as follows:

That the Senate concur in the House amendment to the Senate amendment numbered 19, with an amendment as follows:

Provided, however, That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. Mr. President, are we dealing with an amendment to the pending motion?

The PRESIDING OFFICER. The motion of the Senator from Montana is that the Senate concur in the House amendment to the Senate amendment with an amendment.

Mr. McGEE. Mr. President, what I am questioning in a parliamentary sense is the redundancy. Was not my motion the pending motion?

The PRESIDING OFFICER. The Senator from Montana has offered a motion to concur with an amendment. That takes precedence over a straight motion to concur.

Mr. McGEE. That still does not address itself to my question. My motion takes precedence as the primary motion. My motion is to concur in the amendment of the House to the amendment of the Senate numbered 19.

The PRESIDING OFFICER. Should the amendment of the Senator from Montana fail, then we will return to the motion of the Senator from Wyoming.

Mr. McGEE. Is this an amendment to my motion?

The PRESIDING OFFICER. The Senator is correct. In effect it is.

Mr. FULBRIGHT. Mr. President, I wish to support the views of the majority leader. I will not relate all of what happened last year. But it is a very similar situation, as he has suggested, that the Senate voted on by a vote of 62 to 28.

Aside from the substantive question of military sales, the principle is upholding the legislative committees in their right to authorize matters.

I am bothered by the fact that so few Senators are present in the Chamber. I would hope that everyone had been able to hear what the distinguished majority leader said. I think this is extremely important, and it is far more important than the amount.

What has been said by the Senator from Wyoming relative to the amount in both bills that passed is correct. What he did not say—and I do not criticize him, because there was no reason for him to do so—those bills had other provisions of substantive matters which are important. There is the so-called Cooper-Church amendment which was one of the principal reasons, if not the principal reason, the House would not accept that bill at that time. This bill was the one during which 7 weeks of filibuster took place about the Cooper-Church amendment.

There are other very important provisions of that bill which should be settled in conference. As the majority leader said, after several conferences the House conferees indicated that they were adamant with regard to the Cooper-Church amendment. That particular amendment, it seems to me, due to passage of time and other action, is more or less moot.

I personally—and I do not speak for all of the conferees—would not be disposed to insist on the Senate position with regard to that amendment because of other actions that have taken place. Speaking for myself, I suggested to the majority leader, and I believe to other Senate conferees, that we would be glad to meet and we believe we could negotiate a settlement. We left the last conference in August with the understanding that at any time the House is willing to have a conference we were ready to have a conference. In other words, we have a standing invitation to them that at any time they wish to have a further conference on the matter we would be glad to do so.

This is what I think is justification for the position expressed by the distinguished majority leader.

Mr. President, the question before the Senate is far more important than whether to appropriate $200 million, which has not been authorized, in order to sell arms on credit to foreign countries. The issue before us goes to the heart of the legislative process: Does the Senate wish to allow the House Appropriations Committee to usurp the powers of the Senate's authorizing committees? If the Senate accepts the position of the House conferees the legislative committees might as well close up shop and go home. That is the principle at stake here.

Let me first discuss briefly the background of the problem. On June 30, after a 7-week long filibuster against the Cooper-Church amendment on Cambodia, the Senate passed H.R. 15628, authorizing appropriations of $250 million for the foreign military sales program in fiscal 1971. The House had authorized $272.5 million. In conference the House conferees refused to consider any reasonable compromises on the Cooper-Church provision. As a matter of fact, the House conferees have refused to meet with the Senate conferees since mid-August, in spite of our standing invitation.

Now, as to the appropriation bill. The foreign aid appropriation bill, containing $272.5 million for the foreign military arms sales program, passed the House on June 4, during the filibuster on the authorization bill. The Senate Appropriations Committee did not report the bill until November 24. The Senate committee did not recommend any money for the military sales program because, the committee report stated:

Authorizing legislation was still in the conference committee.

But when the bill came out of conference it included $200 million for the program. Primarily as a result of the objections to this action by many members of the Foreign Relations Committee the Senate rejected the conference report and a new conference was convened. The outcome is the proposal now before the Senate.

Mr. President, within the last year the Senate has repeatedly gone on record in support of the principle that appropriations should not be used to circumvent the authorization process. For the second year in a row the foreign aid appropriation bill has been brought back to the Senate containing large sums that have not been authorized.

Last year the Senate, by a vote of 62 to 28, adopted an amendment to the foreign aid appropriation bill stating that no appropriated funds could be spent unless authorized by law. The Senate conferees came back with a conference report that not only threw out that provision but which also included $54.5 million above the authorization limit—to give jet fighters to Taiwan. As a consequence, the Senate tabled the conference report and by a vote of 48 to 22 instructed the conferees to insist on keeping the appropriation within authorized limits. The second conference report was within the authorization ceiling—the money for the jets had been eliminated.

In order to write into law the principle upheld by the Senate in its action on that bill, the Foreign Relations Committee included a provision in the foreign military sales bill, the authorizing bill now tied up in conference, which specifically stated that any unauthorized appropriation for foreign aid or military sales could not be spent. That will be one of several significant provisions in the military sales bill to go down the drain as a result of the refusal of the House conferees to meet. Finally, only a few days ago the Senate adopted provisos to items in the supplemental appropriation bill which again reaffirmed the principle at issue here. So the record of the Senate is clear—the appropriations process should not be used to undermine or make end runs around the authorization committees.

If the approach being pressed on the Senate by the House conferees were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems which had not been approved by the Armed Services Committee, new highways or dams not authorized by the Public Works Committee, or new space programs not approved by the Aeronautical and Space Sciences Committee.

For the Appropriations Committees to provide funds for programs for which authorizing bills have not passed the Senate, or are tied up in conference, without the appropriation being condi-

tioned on passage of authorization legislation, makes a mockery of the legislative process. And under the theory used by the conference to justify its actions on funds for the military sales program, the Appropriations Committees could become the arbiters of all disagreements between the Senate and the House on authorization levels as long as they do not go above the lowest figure approved by either body. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

Mr. President, the issue before the Senate is not that of voting funds for the arms sales program. It is whether the regular and established procedures of the legislative process are to be followed. To permit the House conferees to force this item on the Senate will be an admission of the impotence of this body. I hope that my colleagues will stand by the principle which the Senate has repeatedly endorsed during the last year.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum concerning points involved in this issue.

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

SOME POINTS CONCERNING THE FOREIGN AID APPROPRIATION BILL CONFERENCE REPORT

(1) The issue before the Senate in the conference report on the Foreign Aid Appropriation Bill is whether the Senate will agree to demands by the House conferees that $200 million be appropriated, which has not been authorized, for the foreign military credit sales program.

(2) The authorization bill for the military sales program is in conference and since mid-August the Senate conferees have had outstanding an invitation to the House conferees to meet on the bill. There has been no response.

(3) The proposal to include $200 million for an unauthorized program is a direct invasion of the power of, and a threat to, all authorizing committees.

(4) For the Appropriations Committees to provide funds for programs for which authorizing bills have not been passed by the Senate or are tied up in conference, without the appropriations being conditional on passage of the authorizing legislation, makes a mockery of the legislative process.

(5) Under the theory used by the House conferees to justify including funds for the military sales program, the Appropriations Committees could become the arbiters of all disagreements between the Senate and the House on authorization levels as long as they do not go above the lowest figure approved by either body.

(6) If the approach taken in the foreign aid conference report were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems, which had not been approved by the Armed Services Committees; new health and education programs not approved by the Labor and Public Welfare Committee; new highways not authorized by Public Works, or new space programs not approved by the Space Sciences Committee. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

(7) Although the chances of getting a Military Sales Bill out of conference are dim, it is not the prerogative or the responsibility of conferees on the appropriation bill to substitute their judgment for the Senate as a whole or for that of the conferees on the Military Sales Bill.

(8) The conference on the Foreign Aid Appropriation Bill has, for the second year in a row, brought back to the Senate a proposal containing large sums that have not been authorized.

Last year the Senate, by a vote of 62 to 28, adopted an amendment to the Foreign Aid Appropriation Bill stating that no appropriated funds could be spent unless authorized by law. The Senate conferees came back with a conference report that not only threw out that provision but which also included $54.5 million above the authorization limit—to give jet fighters to Taiwan. As a consequence, on December 20, the Senate tabled the conference report and by a vote of 48 to 22 instructed the conferees to insist on keeping the amounts appropriated within authorized limits. The second conference report, submitted on January 28, 1970, was within the authorization ceiling—the money for the jets had been eliminated.

(9) There are important Senate amendments in the Military Sales Bill—they will assuredly go down the drain if the Senate agrees to the House position. They are:

A ceiling on grants of excess arms and materials.

A requirement for partial payment in foreign currency for military aid.

Restrictions on transfers of arms to third countries.

A prohibition on using foreign aid appropriations for unauthorized purposes—the very point at issue here.

(10) If the bill is returned to conference it may result in influencing the House conferees to agree to meet on the authorization bill.

(11) The conference on the appropriation bill should either delete the $200 million item or add a proviso making the appropriation conditioned on passage of authorizing legislation.

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

Mr. FULBRIGHT. I yield.

Mr. DOLE. As I understand the motion of the Senator from Montana, the money would be appropriated subject to authorization. Do I understand from the Senator from Arkansas that the authorization committee is willing to meet and authorize the $200 million?

Mr. FULBRIGHT. We have been willing to meet all along. The money was not the critical matter in dispute. There were other provisions. One was the Cooper-Church amendment. There was also a provision in that bill with regard to a ceiling on grants of excess arms and materials. We discussed this program in connection with what happened following the Taiwan jet issue. In that case they used the authority applicable to excess materials to get around and circumvent the actions of the Senate.

There is a provision in the bill for partial payment in foreign currency and one for restrictions on transfers to third countries. All of these were discussed and they are negotiable. These are not items on which a conference would usually be stalled. It was really stalled on the Cooper-Church amendment. There was also a prohibition against spending foreign aid appropriations when the appropriation had not been authorized. That is the point at issue here. That provision is in the bill in conference. I do not think the House committee has any objection to that. I am speaking now of the House Foreign Affairs Committee. I would meet tomorrow morning. I told the majority leader some days ago I was willing to meet at any time the House conferees would meet.

Mr. MANSFIELD. I tried to arrange a meeting for today, but it was not possible.

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

Mr. FULBRIGHT. I yield.

Mr. DOLE. Mr. President, I share the view of the Senator from Montana. Would there be more in dispute than the $200 million authorization or could the Senator readjust on that?

Mr. FULBRIGHT. There is not a serious dispute on the amounts. The serious one was over the Cooper-Church amendment and we never seriously got to the others. I cannot imagine, for example, that any House authorizing committee would object to a provision requiring an authorization. That is natural for all legislative committees to desire.

On restrictions to third countries, I cannot imagine that as a real problem. On the ceiling on currencies on excess arms and materials, that might be difficult but we could negotiate on it. It is not the type of question that usually results in serious disagreement. It is a matter of putting some kind of ceiling on the use of excess arms.

Mr. SYMINGTON. Mr. President, what we are discussing tonight is fundamental issue with respect to how the Senate legislates.

I was in a recent conference with the Senate and House Appropriations Committees. An item passed unanimously in the House Armed Services Committee, passed unanimously in the Committee on Armed Services of the Senate, and passed unanimously by the Committee on Appropriations of the Senate. Nevertheless it was rejected by the House Appropriations Committee.

At that time they suggested the addition of several hundred million dollars for items which had not been approved by either the House or Senate Armed Services Committees or the Committee on Appropriations of the Senate. These items had not been approved by any of those committees, but it was finally passed into law.

The distinguished acting chairman of the Committee on Appropriations, the senior Senator from Louisiana and the other conferees, did a supurb job in attempting to maintain the position of the Senate, to no avail.

We took about a quarter of a billion dollars, roughly, which never came before any committee before it was demanded by the House Appropriations Committee.

This is where we are again tonight. No one has more respect and admiration for the members of the House Committee on Appropriations, but either Members of the Senate have some rights or they do not. It is just as simple as that. If we do not have rights in final decisions on legislation we should know it now, and many of us would have had a more pleasant holiday.

We are not really talking about money, rather about matters in the bill having to do with other items than money. This

is just a method for getting $200 million more without either the Senate Committee on Foreign Relations or the House Foreign Affairs Committee.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I wish to briefly but emphatically second everything said by the majority leader, by the chairman of the Committee on Foreign Relations, and the distinguished Senator from Missouri.

It is absolutely correct that the only real stumbling block to agreement in the foreign military sales conference was the Cooper-Church amendment.

Now, as the Senator from Arkansas has pointed out, the general issue raised by the Cooper-Church amendment has been resolved reasonably satisfactorily in other legislation passed by the Senate. Yet we are still asked not to try to work out a similar kind of solution to the military sales impasse. Such a solution would preserve the rights of all Members of the Senate and maintain the integrity of the legislative committees.

The chairman of the Foreign Relations Committee is reflecting my views when he proposes reconvening the military sales conference. I believe he speaks for all of us on the conference, and on the Committee on Foreign Relations. We stand ready tonight or at any time to return to work in order to find a solution to this dispute with the House.

I plan to vote in favor of the majority leader's motion which insures that no appropriations for military sales will be made without prior authorization. I take this position not because I am opposed to foreign aid—I have long been one of its most faithful supporters; and not because I am opposed to the substance of this bill—I voted for military sales this summer, and I would be supporting it today if the vote before us were whether or not the Senate should authorize this program.

What I will not support is the appropriation of money for a program that has not been authorized. While I serve as a member of the Appropriations Committee, I strongly believe that the role of the legislative committees and, indeed, the whole authorization process, must be preserved. The Senate should not be forced to accede to new legislation written by an appropriations conference. My colleagues on the Senate Appropriations Committee acknowledged this very point in their refusal in the supplemental appropriations conference to allow any appropriations for unauthorized programs.

In the closing days of a session, there is always the temptation to cut corners in order to expedite legislation. Yet, I do not believe that in our haste we should take a step that could set a retrogressive precedent for a fundamental change in the way the Senate conducts its business. This is not the kind of needed senatorial reform that I have supported over the years.

The Senate showed its clear will on this issue last year when, under similar circumstances, a nonideological, nonpartisan majority overwhelmingly refused to appropriate unauthorized funds for jets to Taiwan. There is too much at stake here for the Senate not to support the majority leader's motion.

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

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I wish to join in everything that the majority leader, our Foreign Relations Committee chairman, the Senator from Missouri, and the Senator from New Jersey, has said, and to add one thing. There could be only on possible justification for the procedure attempted here, and that would be if the Foreign Relations Committee were obstructionist. The Foreign Relations Committee has just demonstrated in the most complex, difficult, and delicate issue worked out last night, I think, the utmost reasonableness to the Senate in its solution of other problems on defense, in the supplemental appropriation bill. That certainly is not obstructionism but rather it is an example of responsibility and statesmanship.

Second, in a time as dangerous as this, the Senate needs to preserve the Foreign Relations Committee, with its integrity and willingness to stand up on the issues of war and peace, and not rubberstamp the executive branch. This is the real protection to the Senate—and to the Nation—in respect of the peace and security of this Nation. We have every faith in our President, but the real safeguard for the people, especially in view of the situation in Vietnam, is the fact that somebody with authority is ready responsibly and intelligently to criticize, and not conform. That protection and that function should not be jettisoned.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, we had a similar situation to this last year when the Appropriations Committee appropriated $54.5 million for a contributions to a foreign country which had not been approved by the committee. We had a vote on that. The Senate voted to sustain our present system of legislating, which requires authorization before an appropriation can be made, by a vote of 62 to 28.

Now we have another similar situation, and I would certainly hope that this body would not vote to abandon traditional methods of legislating.

I agree that last summer it was the Cooper-Church amendment which blocked further meetings of the conferees on the foreign military sales bill. I understand also the House conferees are perfectly willing to accept that now, since it has been incorporated in so many other places and approved by the administration.

Now, as I understand it, although the House is willing to accept the Cooper-Church amendment, it is insisting on amendments to sections 9 and 10, which were proposed by the chairman and other members of our committee—that these amendments be thrown out before the House conferees will agree to meet with us. In other words, they want to know in advance that we will meet with their demands before meeting.

In reading over sections 9 and 10—I feel they are both subject to ordinary compromise and that it would not take long to reach a compromise. One relates to a foreign country recipient putting up a certain amount of cash in its own money.

Mr. FULBRIGHT. That is right.

Mr. AIKEN. There is objection to that. I do not know whether the amount is too large or what. That is a subject for conferees to discuss, which we have never discussed.

The other section is——

Mr. FULBRIGHT. A ceiling on grants of excess property.

Mr. AIKEN. Yes; and there is one figure, I believe, that is in dispute.

As I recall the Senate bill authorizes $250 million for the military sales program and the House bill $272.5 million. Anyway, that is how simple a compromise on the money items could be.

I do not blame the chairman of our committee for not agreeing to meet in conference and agree in advance to accept whatever demands the House conferees have made. I know he would reject that proposal. There is no reason in the world why we could not meet and take care of this matter and accept the motion of the Senator from Montana at any time and get this thing over with.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. YOUNG of North Dakota. Mr. President, this clearly demonstrates what our dilemma is in the Congress. This demonstrates why we did not adjourn last year until December 23. Appropriations are a necessary process of the Congress, but we have been stymied year after year by failure to get necessary authorizations in time. Here we are trying to legislate right now on an appropriation bill a proviso that is clearly subject to a point of order.

Early this year, at the request of the Senate and the House, the leadership, Democrat and Republican, met with the chairmen and ranking members of the Senate and House Appropriations Committees, trying to ascertain a way to end the session earlier, and this cannot be done until the appropriations bills are all passed.

Both sides agreed to hurry up their processes and do their best to expedite appropriation bills.

The House Appropriations Committee members, if they could not get the necessary authorizing legislation in a reasonable time, would seek a rule permitting them to enact an appropriations bill without legislation. Authorizing legislation for this appropriation was passed by the House on March 24, and it is still pending. Tomorrow is the last day of the year. If this bill does not pass by tomorrow night, we will probably have a continuing resolution. The same thing is true of the supplemental appropriation bill. On the Defense appropriation bill alone we had a 6-month delay, and, according to the Secretary of Defense, there is great inefficiency and bad management as a result of these long delays which costs more

than $1 billion a year. All this wind that we have had in the Senate—I am not going to label anybody—has cost at least $1 billion this year alone. Here we are at the last minute trying to legislate on an appropriation bill. It is not the Appropriations Committee's fault that an amendment is pending to legislate on this appropriation bill. This legislation being offered is clearly subject to a point of order.

Mr. MANSFIELD. Mr. President, will the Senator allow me to answer that?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I would point out that the House did not take up the defense appropriation bill until just before we went out for the elections. Therefore, the Senate was not in a position to take up the bill until we came back about the middle of November. Is that not correct?

Mr. YOUNG of North Dakota. That may be, but our problem has been continual with appropriations. We just have to wait until the last of the year to get the legislation before we can appropriate.

Mr. FULBRIGHT. Mr. President, I want to take issue with the Senator's insinuations, or whatever they may be, that the wind in the Senate costs $1 billion a year. I completely disagree with that. I have a very strong suspicion, which I cannot prove, that many of these questionable appropriations are deliberately delayed until the last few days, because, under the pressure of adjournment, the Senate feels like it has to appropriate. Take an item like the SST. That bill could have been presented before November, but they did not have the votes for it, and it was delayed.

We passed the military sales bill on June 30, after a 7-week delay, and the Senator recalls who delayed the authorization bill, does he not?

So the argument that the wind in the Senate costs $1 billion a year is not correct. The Senate has, in fact, saved more than that. The Senator seems to be suggesting that whatever the administration sends us we should quietly accept and swallow. If we did, it would cost $50 billion more.

Mr. YOUNG of North Dakota. Does it have to take a month to discuss one item? Can we not get a vote and let the majority rule?

Mr. FULBRIGHT. Well, we want to vote on one item. The majority leader wants to vote on one item. The Senator refuses to permit it.

Mr. YOUNG of North Dakota. I did not refuse to let the Senate vote.

Mr. FULBRIGHT. I mean the proponents have refused to let us vote on that one item. I would be prepared to vote tonight on that one item. They will not let us do it.

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

Mr. FULBRIGHT. I yield.

Mr. AIKEN. The motion of the Senator from Montana would not set a precedent, because, as I recall, an appropriation bill we passed some time ago was subject to authorization legislation being approved.

Mr. FULBRIGHT. So is the supplemental.

Mr. AIKEN. That was only a few weeks ago. Even earlier in the session there was no objection to approving appropriations for agriculture programs subject to an authorization which was provided at a later date.

Mr. FULBRIGHT. It is a good procedure as long as we are going to have these difficulties in getting bills through. But I submit that in this case the Senator from North Dakota is not warranted in blaming it on the Senate, because the Senate has been very willing and able to proceed to a conference, and they would not do it. I do not think we ought to be accused of wasting a lot of money because of "wind." The Senate is doing what it is supposed to do, which is to try to refine these bills, and keep them within the authorizations.

Last year nearly every Senator present at that debate said he was surprised that there could be an appropriation without an authorization. Then we presented this bill prohibiting appropriations for unauthorized purposes. We offered, in an exchange with the Senator from Florida, to submit permanent legislation applicable to all appropriations, that all of them must be authorized.

The Senator from Florida, Senators will recall—he has led the fight—said that he did not want it on all of them, so we agreed to restrict it to foreign aid and foreign military credit sales. I did not want to go beyond that, but I thought there was a universal agreement, at least at that time, that at least in those two areas there would be no appropriation without authorization. That was the result of very extended discussion and two votes here on the Senate floor, just about a year ago.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, the principle involved here goes far beyond protecting the prerogatives of the Senate Foreign Relations Committee. The principle goes to protecting every legislative committee of the United States Senate.

Every member of a legislative committee has a stake in the outcome of this vote. If we abandon the regular procedure and permit appropriations without authorizations to become law, then we might as well shut up the shops of the legislative committees completely, and turn the business of the Senate over to the Committee on Appropriations.

Although that is not what is intended by the Appropriations Committee, that has become the tendency. Whenever the legislative committees of the two Houses cannot agree, in recent years, the Appropriations Committees have usurped the legislative function, coming in, at the last minute, to appropriate money for unauthorized programs.

The staff of the Foreign Relations Committee has prepared an excellent, succinct listing of the arguments that apply in this case. I would urge every Senator to review this very brief summarization, because every legislative committee member has a stake in the outcome of this debate. Section six summarizes this view. Let me read it to the Senate:

(6) If the approach taken in the foreign aid conference report were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems, which had not been approved by the Armed Services Committees; new health and education programs not approved by the Labor and Public Welfare Committee; new highways not authorized by Public Works, or new space programs not approved by the Space Sciences Committee. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

That is the issue. Lest it be misunderstood, there is no hangup insofar as the Senate conferees are concerned in getting authorization for the foreign military credit sales program languishing in conference. The dilemma—the Cooper-Church amendment—has been eliminated by recent legislation on another measure. As one sponsor of that amendment, which passed the Senate on June 30 and went to conference, and as a conferee, I can assure the Senator that that entire provision can now be stricken from the authorization bill. The problem, from our point of view, has been solved another way. We can proceed to a compromise with the House of Representatives; we can do it in a way that will maintain the integrity of the regular procedures of the Senate.

I hope for that reason, Mr. President, that——

Mr. FULBRIGHT. Mr. President, I am bound to say, in reply to that, that I agree with the first part of what the Senator has said, but I do not wish to leave the impression that I am willing to promise now that we will give in on all these other provisions. But their condition was, "You accept our views on all these other provisions," which I think are very important.

Mr. GRIFFIN. But will the Senator from Arkansas agree with the Senator from Idaho that as far as the Church-Cooper amendment is concerned, that can be stricken?

Mr. FULBRIGHT. Oh, yes, if they want to do it. I am not sure they want that now. As far as I am concerned, as I said previously, I have had no difficulty with that. My guess is that they have shifted their feeling about these other provisions; otherwise I do not understand why they did not accept the majority leader's proposal. I had understood he felt them out about this.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, the Senator mentioned me; will he yield to me?

Mr. CHURCH. May I just have a moment, for clarification? My statement had to do with the Cooper-Church amendment in conference. Naturally, there are other points of disagreement, but I think those points of disagreement are subject to reasonable compromise, in the normal conference procedure.

Mr. FULBRIGHT. And at the time, they did not indicate any serious difficulty about those other provisions. Last summer their attention was all on the Cooper-Church amendment.

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

Mr. FULBRIGHT. I yield to the Senator from Florida. He was involved in this matter last year.

Mr. HOLLAND. I was involved, and I remember well what happened.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from Florida will please suspend for a moment. The Senate will be in order.

The Senator may proceed.

Mr. HOLLAND. The Senator from Montana endeavored to raise a point of order. I took the position that it could not be raised, and of course that position was sustained. Then he made a motion similar to the one that he has made here tonight, and that motion prevailed.

At that time, the Senate left itself in a very contradictory position, because it accepted the appropriation made for planes for South Korea, which was not an authorized item, and approved that, but refused to accept the appropriation for planes for Taiwan, both of these items having been unauthorized, and both of them having been put in by the House committee.

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

Mr. HOLLAND. In just a moment.

Mr. FULBRIGHT. But for clarification, the Senator is wrong about Korea. It was within the authorization limit. That was a question of earmarking within the authorized appropriation. It was different from the Taiwan jets issue.

Mr. HOLLAND. Then there were four minor items in the bill which were not authorized. They had to do with certain items in Israel, and one, I think, in Morocco; I do not recall.

An item or two in this bill have not been authorized, including an item of a half million dollars which has been diverted without authorization. We are in a different situation, however, from what we were last year. Last year we were operating the last night of the session, and we had to move very rapidly.

I see no great objection to allowing the chance for an authorization to be passed in this instance. I do call attention to the fact, however, that we did have items in last year's bill that were not authorized, that were accepted because the Senate wanted them, and it objected to one because it did not want it, and that was the planes for Taiwan.

Mr. FULBRIGHT. But it was not in the bill as it passed the Senate. I do not want the situation misstated. There were no unauthorized items in the bill as it passed the Senate.

Mr. HOLLAND. The Senator is mistaken. There were four items in the bill, small items, that were put in the bill by the Senate. And the Senator, if he will check back, will find that he is mistaken on that. But I am not seeking to make that point here now, because we have 3 days to work on this. What I think the Appropriations Committee has done here has been exactly the right thing: It has refused to agree on this $200 million item. It is reported in disagreement. The House of Representatives has acted upon it in disagreement, and the Senate now can work its will on the matter. The House has shown that it is not disinterested in the item. To the contrary, as I understand from the Senator from Wyoming, the House has stood by its original position so far as wanting an item here, but has accepted the $200 million, which the Senator from Wyoming has spoken of before.

I feel that to have this given a chance for working out in conference may be all right. We have 3 days to work on it. We are not in the same position we were in last year.

I want to say again, before we go anywhere else, that last year the Senate finally took the bill that came back from conference with various items in it that had never been authorized. It has always been true that many items do get into bills, put in there by the House, that are unauthorized, just as we cannot make a point of order to legislation on an appropriation bill when the House puts it in and it comes over with that legislation in it. We cannot——

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

Mr. HOLLAND. I will be glad to terminate my brief remarks in a moment, if the Senator will restrain his impatience.

We cannot raise a point of order when the House puts legislation in an appropriation bill. We have to take it as we get it, and so it has been with reference to appropriation items.

I am perfectly willing to have this committee try to work out these difficulties with the similar committee of the House, but I do call attention to the fact that last year the Senate accepted and took in the same bill several items which were not authorized because it wanted them and declined to take the one item that it did not want to take, which was the Taiwan item. So it is all a question of what the Senate wants to do, and on that the Senate can express its will.

Mr. FULBRIGHT. I do not wish to argue about it. I raise the question that I do not believe, subject to checking, that the Senate did pass a bill last year that had any unauthorized items in it. The Senator from Wyoming, to the best of my belief, made all those items conform to the authorizations.

I think that what the Senator from Florida is saying is that certain earmarked items within the authorization amount were included. But they were not beyond the amounts authorized.

Mr. HOLLAND. They were not amounts that had been authorized.

Mr. FULBRIGHT. For example, the Korean item was not beyond the authorized amount. It was an earmarking. In this bill we do not ordinarily earmark specific country items. On the other hand, we do not normally authorize specific countries, either. We authorize an overall amount. The $54 million for Taiwan was above and beyond any authorized amount.

I do not think it is fair to say that last year we set a precedent by adopting a conference report that had unauthorized items in it. We rejected the first conference report on that very ground, and when the second conference report was submitted on January 28, 1970, it was within the authorization ceiling. I think that is correct.

Mr. McGEE. That is correct.

Mr. FULBRIGHT. Is that correct, to the best of the Senator's memory?

Mr. McGEE. The best of my memory would be rather faulty at this late date. My recollection is that they were not initially authorized and that they were subsequently authorized.

Mr. FULBRIGHT. Yes.

Mr. McGEE. When we finally went back.

Mr. FULBRIGHT. Yes.

Mr. McGEE. That is my off-the-cuff recollection in regard to it.

I wonder whether the Senator recognized me so that I can respond to the other points he raised.

Mr. FULBRIGHT. This is from the digest of the RECORD. It says:

> Adopted December 18, 1968, McGee amendments to adjust total amounts in several economic assistance items so as to comply with sums in the foreign aid authorization bill.

That is what was done.

Mr. McGEE. I think the Senator from Florida was talking about the fact that some of them were not authorized earlier.

Mr. FULBRIGHT. That was what the fight was about.

Mr. McGEE. I think that is a valid statement. The Senator from Arkansas is talking about a different stage.

Mr. FULBRIGHT. That is correct. I said "finally." There was a preliminary stage, and the final action was authorizing it. It is a matter of record. We did not set any precedents last year that we are now trying to upset. In fact, we are trying to uphold the same principle.

Mr. McGEE. Did the Senator yield to me?

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I was hoping the able Senator from North Dakota would remain in the Chamber, because in no way was I criticizing any actions of his. In my opinion he is one of the ablest, most diligent, and wisest of all Senators with whom I have served over the years. I had no criticism, of any kind, with respect to the Appropriations Committees.

I would associate myself, however, without reservation, with the remarks of the distinguished Senator from Idaho. Either there is real significance, some importance, in what committees decide should or should not be authorized, or there is not. It is as simple as that.

If we continue to legislate in this fashion, then the rest of the Senate, as I see it, is really nothing more than form, as against substance, in the formulation of legislation. That is the thrust of my position.

Mr. FULBRIGHT. I certainly meant no reflection upon the Senator from North Dakota, either.

Actually, these items last year and this year were not due to any actions by the Senate committee. The Senate Appropriations Committee did not do this.

Mr. SYMINGTON. That is right.

Mr. FULBRIGHT. They all originated in the House Appropriations Committee and under their rules, and were brought over here.

I have the greatest sympathy for the Senate Appropriations Committee conferees, as I do any other Senate conferees, because the House conferees assume an attitude of superiority in the legislative field to which I do not think they are entitled under the Constitution.

Mr. SYMINGTON. I would hope that my good friend, the able minority leader in the House, after some remarks he

made about the Senate yesterday, would read tonight's RECORD.

Mr. FULBRIGHT. I certainly did not mean any reflection on the Senate Appropriations Committee. I think they are a victim of this practice and are put in a very difficult position. If the Senator from North Dakota thought I was talking about him in any such fashion, I did not intend to.

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

Mr. FULBRIGHT. I yield.

Mr. AIKEN. A short time ago, I gave some figures referring to total amounts in the House and Senate bills.

As far as the foreign military sales bills are concerned, the House provided $272,500,000 and the Senate $250 million, a difference of $22.5 million, on which we could reach a compromise if we could get to a conference on the authorization bill.

Mr. FULBRIGHT. I do not think there is any problem about that.

I yield the floor.

Mr. McGEE. Mr. President, if I may get in here now, after a very long time, I do want to make a short statement in regard to the Senate conferees, about some of the things that have been said.

I appreciate fully the tortuous exercise that the Foreign Relations Committee has been going through in trying to get a conference. It is totally frustrating. As a member of that committee, although not one of the conferees, I feel equally strongly about it.

I think that some educating blows have been struck—and very effective ones—however, by the Members of the Senate, not only a year ago but this year as well, and in the last 2 weeks; and I think that those educative messages have gotten through loud and clear. I can testify that they have, because we have been present at times when they have been discussed, and they have been referring to them. Let us not sell ourselves short too soon.

In fairness to the Senate conferees—there were seven or eight of us, and we were unanimous on this—it is not quite correct to compare our situation on this matter tonight with the jets for Taiwan a year ago. That is not quite accurate. A year ago, they came in out of the cold and were put in here, without any preliminary actions by this body.

As the distinguished chairman of the Foreign Relations Committee has made very clear, this body did, through its authorizing committee, express itself on the $200 million or more for military credit sales last June. That is on the record with the appended other annual factors to which the chairman has alluded. That did show some Senate disposition. I submit that also needs to be said here, when we are trying to judge the Senate conferees in this appropriating process.

It has been called to my attention that Rule XVI of the Standing Rules of the Senate provides that such a procedure likewise is in order, if it is made to carry out a provision of some existing law or resolution previously passed by the Senate during that session.

The Senate has passed this. It does not say "signed by the President." It does not say "agreed to by the House." There are differences of opinion on how one can interpret that. It seemed to us at least that it was open to a serious look, and that we were not as far off base as we have been made to appear by some of the comments here, that it does make a different circumstance in this bill at this time a very different case than the jets for Taiwan a year ago.

The jets for Taiwan issue made the wishes of the Senate distinctly clear by an overwhelming vote and its intention to pursue this.

I applaud the effort to preserve the role of the Senate in all these operations, but when we came into this, we came in with a Senate deadlock, not on the appropriations matter here, but on four or five major pieces of legislation, and we were asked to sit down together in our own body and see if we could not make up a big picture on it all, with a little giving here and a little taking there that might break the logjam, break the deadlock, and make it possible for this body to finish its work.

In the course of those deliberations, there was a lot of giving and a lot of taking, and on the supplemental appropriation, on which I was one of the conferees, the Senate ultimately prevailed through the insistence of this committee with two provisions limiting expenditure of approprated funds under the conditions that it would be first authorized. This is left in the bill as part of the educating process we have gone through here lately. We prevailed. The House yielded.

Now we come down to the second conference on the foreign aid appropriations after we went to the Senate and were reinstructed by the Senate to disallow the $200 million in military credit sales. The point was made strong there and the conferees felt, likewise that in the same broad package in the spirit of looking at all of these things, that perhaps a case could be made for a bit of bending on this one question, in view of the action of the Senate and the authorizing committee last June as at least a disposition with the attendant language that accompanied it and the reading of rule XVI.

Having said that, we felt that the bending did not set us backward on the question of establishing the Senate's role in terms of the authorizing process, because our colleagues in the other body heard that one very distinctly. Therefore, in the gains we had made in that educational process with the other body, we certainly thought it was in order to come back here for the will of the Senate to express itself and, at the same time, to recommend, as I moved here earlier this evening, that the Senate recede from its position on the $200 million in military credit sales.

It is for that reason, and because of the accumulated events alone, that I must oppose my majority leader and vote against his pending amendment. I do not intend to pursue any point of order in any case, but I will have to oppose his amendment.

We should have a straight up and down vote, if that is the will of this body, on this issue of the military credit sales.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, I want to emphasize again the fact that the Appropriations Committee has not yielded on this item. It has refused to yield on it. It was reported in disagreement and now we are up against this situation that the House, where this item was reported in disagreement, has insisted upon its position—not its full position, but upon the $200 million, which is well within the amount that was included in the authorization bill as passed by the Senate.

The Senator from Wyoming is exactly correct in his interpretation of the rule, that we have the right to put in any appropriation bill an item which has been approved by the Senate in this Congress—in this session—and that we did not attempt to do that. We reported this item in disagreement because we understood at least the will of the Senate. The question now is different from any we had last year. The question now is whether, after the Appropriations Committee has refused to approve that item, and after the item has been reported in disagreement and has been voted upon by the House and they have taken the position which they have, whether the Senate wants to agree with the position just taken by the House or not. To say that it is improper to have this item considered when the Senate has already passed a bill in this session calling for a larger appropriation for this particular purpose than the amount we are now passing upon would be, of course, unsound. That does not happen to be the case. We do have the right to pass upon it. The question is whether we want to or not.

Mr. CHURCH. Mr. President, I shall be very brief. I do not think it is necessary to base a case in favor of the majority leader's motion on the situation of last year. The case rests upon its own bottom. It is true that the Senate passed a military credit sales authorization bill. It is true that the House passed a military credit sales authorization bill. But legislative committees meeting in conference could not come to an agreement until now, so there never was a conference report, and both Houses never proceeded actually to enact an authorization bill and send it to the President.

If we reject the motion made by the majority leader, we do set a precedent. We set a serious precedent. That precedent is this: that whenever the legislative committees of the two houses cannot agree upon terms of authorization legislation, and whenever the legislative committees remain in disagreement, then it is the prerogative of the Appropriations Committee to step in and arbitrate the matter and put the money in the bill and proceed without benefit of our deliberations. That is bad precedent.

I hope for these reasons, that general support of our procedure, which divides responsibility between the legislative committees of this body and the Appropriations Committee, that the Senate will now support the motion made by the majority leader.

Mr. MILLER. Mr. President, I would like to ask the Senator from Idaho a question. He has well articulated an important problem. I think the Senator

from Wyoming has done a very good job of pointing up a situation where, if we are going to make any exceptions, perhaps this is the place to make an exception. Now if we do not make an exception, can the Senator tell us where we will be with respect to the other body, so far as the authorizing committee is concerned?

Mr. CHURCH. I would be happy to answer the Senator from Iowa.

I would plead with the Senate that this, of all cases, is not the place to make an exception. There is every reason to believe that the authorization committees of both Houses can proceed in conference and come out with a bill. One of the obstacles that was preventing the conferees from agreeing has been removed, and the other items in dispute are susceptible to negotiation in the conference.

Mr. MILLER. I appreciate that response because I think it is something that should be made clear. The word I get from the other body is that they are restive and not amenable to much further delay. But if that situation does not prevail with respect to the authorizing committee, and the Senator believes that the conferees can resume and get together, maybe tomorrow morning, it seems to me that he has made a valid point.

Mr. CHURCH. I thank the Senator from Iowa very much.

Mr. DOLE. Mr. President, in the event that we agree to the motion of the Senator from Montana, is it the understanding of the Senator from Idaho that the authorizing legislation must be approved in this session of the Congress or could it be approved any time before next June?

Mr. CHURCH. Any time.

Mr. MANSFIELD. At any time. We will be ready to go any time they are ready. If it is not this session, it will be next session. The money is available. The $200 million is available.

Mr. DOLE. Mr. President, so it is not a question of doing it tomorrow night.

Mr. MANSFIELD. That is correct.

Mr. THURMOND. Mr. President, the foreign military credit sales for $200 million are vital to the security of the free world and the successful implementation of the Nixon doctrine. These credit sales assist friendly countries to develop an adequate military defensive capability. This reduces the need for U.S. military ground forces to protect U.S. security interests in various areas of the world. These credit sales are the most desirable of all assistance programs because there are no long-run costs to the U.S. taxpayer.

Mr. President, these credits help fulfill the expressed wish of Congress to end grant military assistance wherever and whenever possible. This program represents a significant interim step for allied and friendly nations from a position as recipients of U.S. grants of military materiel to the point where eventually they can afford to pay for the needed defensive capability without U.S. assistance. In the meantime, though credit sales, they can purchase U.S. produced military equipment on credit.

The foreign military credit sales represent no long-term outlay from the U.S. Treasury. Money appropriated is used to finance credit military sales on terms of up to 10 years. Interest is normally set at the current cost of money to the U.S. Government. These credits actually result in a net gain of revenue for the U.S. Government as the money is repaid with in a 10-year period with interest.

Mr. President, this program is used to finance credit military sales to less developed countries whose security is important to the United States. These countries recognize their military requirements and will purchase military equipment from other sources if the United States is unable to enter into negotiation for such sales.

The Congress has not passed legislation or appropriated funds to finance such sales since fiscal year 1969. No funds have been available under Continuing Resolution Authority since January 1970. As a consequence of this inaction, the U.S. Government and industry representatives have been unable to enter into sales negotiations; and sales by such third countries as France and England to such areas as Latin America have been fostered. Failure to appropriate funds for credit military sales helps to deny U.S. industry traditional and valid markets.

Mr. President, all military credit sales are carefully reviewed at the highest level of the Departments of State and Defense and by the National Security Council to insure that such sales are consistent with U.S. foreign policy and are important to U.S. national security. These reviews have assured that the purchasing country can afford the purchases and can operate and maintain equipment of the degree of sophistication involved. Other developed countries which sell arms to the lesser developed world often do not use similar restraints and sell arms which a country cannot utilize, does not need, and the purchase of which endangers its financial structure and social development.

Both the Senate and the House have, by floor vote, authorized funds to finance credit military sales in fiscal year 1971. Only issues non-germane to the intent of the legislation have delayed this critical legislation. Commonsense dictates that we get on with this vital need.

Mr. President, if the necessary funds are appropriated, the following countries would be interested in military credit purchases from the United States: Argentina, Brazil, Chile, China, Greece, India, Jordan, Korea, Lebanon, Malaysia, Morocco, Pakistan, Saudi Arabia, Singapore, Uruguay, Venezuela, and possibly Israel if other funds appropriated for foreign military credit sales prove to be insufficient.

Equipment which could be involved in such sales includes: Air defense and air traffic control equipment, vehicles of all types, communications and electronics equipment, C–130 and other transport aircraft, F–4 aircraft, helicopters, shipyard support and ship modernization equipment, and small arms and ammunition.

Mr. President, it is essential to our national security that the Senate approve appropriations for these minimum credits of $200 million for our friends without further unnecessary bottlenecks, even if there has to be a condition for an authorization at a later date.

The PRESIDING OFFICER (Mr. STEVENS). The question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) that the Senate concur in the House amendment to the Senate amendment No. 19, with an amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Maine (Mr. MUSKIE) would each vote "Yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Nebraska (Mr. HRUSKA) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from New York (Mr. GOODELL) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from from Texas would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 60, nays 12, as follows:

[No. 462 Leg.]

YEAS—60

Aiken	Cranston	Jordan, Idaho
Allen	Dole	Kennedy
Baker	Ervin	Magnuson
Bellmon	Fannin	Mansfield
Bennett	Fulbright	Mathias
Bible	Gore	McClellan
Brooke	Gravel	McGovern
Byrd, Va.	Hartke	McIntyre
Byrd, W. Va.	Hollings	Metcalf
Cannon	Hughes	Miller
Case	Jackson	Mondale
Church	Javits	Moss
Cooper	Jordan, N.C.	Murphy

Nelson	Randolph	Stevens
Packwood	Saxbe	Stevenson
Pastore	Schweiker	Symington
Pell	Scott	Thurmond
Percy	Sparkman	Williams, N.J.
Prouty	Spong	Williams, Del.
Proxmire	Stennis	Yarborough

NAYS—12

Allott	Ellender	Holland
Cook	Griffin	McGee
Cotton	Gurney	Smith
Curtis	Hansen	Young, N. Dak.

NOT VOTING—28

Anderson	Goodell	Muskie
Bayh	Harris	Pearson
Boggs	Hart	Ribicoff
Burdick	Hatfield	Russell
Dodd	Hruska	Talmadge
Dominick	Inouye	Tower
Eagleton	Long	Tydings
Eastland	McCarthy	Young, Ohio
Fong	Montoya	
Goldwater	Mundt	

So Mr. MANSFIELD's motion was agreed to.

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

Mr. AIKEN and Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move to reconsider the preceding vote on H.R. 13000.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE LESLIE COUNTY, KY., MINE DISASTER

Mr. COOPER. Mr. President, it is with deep sorrow that I announce that the worst coal mine disaster in Kentucky's history occurred today in Leslie County in the eastern part of our State.

It is reported that the explosion took place about 12:15 p.m. in the Finley Coal Co.'s mine, trapping 38 men. A rescue team worked courageously through the afternoon, reaching the trapped miners at 6:30, to find all 38 dead.

The cause of the explosion has not been determined, and a thorough and immediate investigation will be made by the Federal Bureau of Mines and the State of Kentucky. Representatives of the Bureau of Mines and Governor Nunn of Kentucky are at the scene of the disaster.

The Bureau of Mines has kept me informed today and will continue to inform me and the Congress as their investigation proceeds.

This is a sad day for all the people of Kentucky and our country, and I know that all extend to the wives, children, and families their deepest sympathy. It is their great loss and our hearts and thoughts are with them.

PROGRAM

Mr. SCOTT. Mr. President, the late Charles II of England, on his deathbed said to those surrounding him:

> Gentlemen, I am sorry to be such an unscionably long time dying.

Therefore, I would like to ask the distinguished majority leader how much we have to do before we die.

Mr. MANSFIELD. Well, Mr. President, the death is not as slow as it appeared to be a day or so ago.

I am happy to report the SST conferees are meeting and discussing the situation which confronts them.

This legislation on which we have just acted will be the last vote tonight.

INTERNATIONAL COFFEE AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 19567, the International Coffee Agreement, be laid before the Senate. I do this so that the bill will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

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

> A bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

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

There being no objection, the Senate proceeded to consider the bill which had been reported earlier today by the Committee on Finance.

ORDER FOR ADJOURNMENT TO THURSDAY, DECEMBER 31, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment rather than in recess.

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

Mr. HOLLAND subsequently said: Mr. President, I did not understand the request of the distinguished majority leader. Do we adjourn until 9 a.m. tomorrow?

Mr. MANSFIELD. Yes. The order has been changed to provide for an adjournment instead of a recess because the time was already set and the order provided for a recess.

Mr. HOLLAND. I thank the Senator.

PROGRAM

Mr. SCOTT. Mr. President, may we have order. This is important.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, it is anticipated that during the morning hour tomorrow attempts will be made by various individuals and groups to get action within a limited period on Calendar No. 1525, H.R. 19446, an act to assist school districts, and so on.

Then, at the conclusion of the morning hour the Senate will turn to the consideration of the International Coffee Agreement.

Then, I would anticipate that the Senate would be ready to take up the conference report on food stamps.

Mr. SCOTT. What about the desegration matter? Is that after or before the food stamps?

Mr. MANSFIELD. Before, in the morning hour.

Mr. SCOTT. During the morning hour.

Mr. MANSFIELD. And there will be other matters as they come along.

I wish I could give more encouraging news on the SST, which may be the final roadblock to adjournment sine die.

Mr. SCOTT. I think this is an instance where, hopefully, the accouchement of an agreement and the death of Congress will come very close together. I hope all of us will pray tonight for reason to invest the conferees, in the hope that perhaps we can have an agreement on the SST, so that the minds of a few will not dominate the many so that we will be able to adjourn sine die, the most blessed words in the English language. This we should be able to do if men of good will are willing to concede a bit, each to the other, or to the Nation.

Mr. MANSFIELD. May I say also that at 9 o'clock tomorrow morning there will be a period for his colleagues to pay tribute to the distinguished Senator from New York (Mr. GOODELL), who is retiring shortly.

Mr. HOLLAND. Mr. President, I did not understand the announcement with regard to Calendar No. 1525, H.R. 19446.

Mr. MANSFIELD. That will be taken up, I assume, during the morning hour. That was why I entered the order for an adjournment tonight rather than a recess.

Mr. HOLLAND. Does the Senator mean as an unobjected-to item?

Mr. MANSFIELD. No; I understand there will be objections both ways. I wish to ask the Senator from Alabama if that is correct. Does the Senator from Alabama expect something to happen?

Mr. ALLEN. What was the question?

Mr. MANSFIELD. Is it correct that there will be some movement back and forth?

Mr. ALLEN. There probably will be; yes.

ORDER OF BUSINESS

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

Mr. McGEE. Mr. President, I yield to the Senator from California.

SUGGESTIONS FOR IMPROVING FOREIGN ASSISTANCE

Mr. MURPHY. I thank my distinguished colleague.

Mr. President, I would like to say that this has been a most interesting and instructive evening as far as this Senator, who is about to leave this body, is concerned. I have learned about parliamentary procedure and manner of operation in these last hours, during the convulsion that the distinguished minority leader spoke about—the death convulsion—more than I think I have in the past 6 years. And I have been attentive and diligent. I have listened carefully. I heard references made to normal procedure. Please God, this is not normal procedure in the U.S. Senate. And I thought of the time during the debate of things that have been said and the things that have been left unsaid and the reasons why we are here at this late hour, and the reason why the Senator from California, who had something, he

thought, rather important to say with regard to this bill is now taking up the time of the Senate at this extremely late hour.

I would like to say that, with regard to this bill, it has been our experience over the past number of years that there have been tremendous amounts of dollars in foreign aid—taxpayers' dollars, may I say—and also it seems to the Senator from California great evidence either of neglect or of inability or of lack of planning in the expenditures of those taxpayers' dollars in foreign aid. Otherwise, the friendly feelings which we hoped to achieve over the last 20 years in this effort would have been more productive.

We have a situation now in the United States—very evident in my State—where there are many experts, engineers, and scientists, men who have proved by their actions that they are the top of their trade. I wanted to recommend that there might be a suggestion that a percentage, at least, of these foreign aid funds be used to employ some of these available, eager, and competent experts, to send them along with some of these taxpayers' foreign aid dollars, in order to make certain that the taxpayer who was the originator of the investment perhaps gets a little better attention to the money that he so gladly has been spreading around the world.

I thought of two things that could be the result of this. First, the recipient nations might gain greatly by this; and, second, of course so might those highly skilled, highly trained scientists, engineers, and experts, who are so eager to be employed, who are so ready and willing that they might gain some employment in the manner in which the taxpayers' dollars are sent to help our friends overseas.

I thank my distinguished colleague for yielding.

Mr. McGEE. Mr. President, I want to thank the Senator from Montana for having yielded the floor to me.

Mr. SCOTT. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, having made some reference to a Catholic leader, I am moved to make some reference to the Protestant side, and, therefore, I would like to conclude with a comment from Cromwell to his own party when he ended an impassioned speech by saying:

Gentlemen, in the name of God, go.

And I would like to leave that thought with the Senate tonight.

SUGGESTIONS FOR SENATE PROCEDURE

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

Mr. MANSFIELD. I yield.

Mr. BROOKE. Mr. President, I hope the leadership will seriously consider holding an executive session early in the 92d Congress so that we might discuss the procedure for conducting the business of the Senate in 1971 and 1972. I know that the leadership has been dismayed at some of the dilatory tactics that have been employed. In another area, for instance, that some of the salutes given to our colleagues as they have retired from the Senate have been extraordinarily long. It seems to be that anything we could say here could be said in 2 or 3 minutes about our colleagues. As it is now, it is almost like a funeral procession as they sit here and hear themselves eulogized for an hour, and then have the time extended for an additional hour. It seems to me we ought to take into consideration not only the Senate's time but those who wait on the Senate: those who guard the doors, run the elevators, and others who have to wait until late into the night.

I think if we stopped calling each other "distinguished," we might save 10 working days in the session. All of us are distinguished or we would not be here, or should not be here; and I do not say that too immodestly, I hope, Mr. President. But I think there are many things that we can do to improve our procedures in 1971 and 1972. Four of our colleagues—two Republicans and two Democrats—have proposed a number of reforms, that ought to be considered and, hopefully, implemented.

Not too long ago, this body met in executive session to consider ways of breaking an oppressive legislative logjam. If some reforms were instituted early in the year—if they were debated and adopted in a preventive, rather than a remedial, executive session—I think this body would be better able to conduct the business of this country.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Massachusetts. [Laughter.]

May I say that Senators SAXBE, SCHWEIKER, CRANSTON, and HUGHES have been studying this matter and we have had a number of meetings with them. We applaud their initiative. We are delighted they are going to continue that next year, at the request of the joint leadership, because we think they are making great strides forward. We have exchanged ideas, and that goes for both leaders. I am certain that that group, or at least the Republican Members, have had the opportunity of making their views known at Republican luncheons, or meetings. The Democratic Policy Committee, for example, on yesterday invited all four Members to meet before it. We thrashed ideas back and forth. We were very much impressed. We are making pretty good progress, and we intend to continue to make progress, and get before our respective conferences to see, on that basis, if we can get together, and perhaps get to the point the Senator has suggested and have a meeting of both parties.

MINE DISASTER IN KENTUCKY

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

Mr. MANSFIELD. I yield.

Mr. COOK. Mr. President, before we adjourn, I would like to invite the attention of Members of the U.S. Senate that at 12:15 today, 1,600 feet inside of a mountain in Leslie County in eastern Kentucky, there was an explosion. After many attempts, all afternoon and through the evening, I have been notified by the Kentucky State Police that 38 bodies are being removed from that mountainside.

We do not know the cause of that explosion. We know that our office has been in touch with the Bureau of Mines, with the State bureau of mines, with the Kentucky State Police, with the Red Cross, with the Honorable George Wooten, who is county judge of Leslie County in eastern Kentucky, in an effort to stay in touch and keep abreast of the rescue operation.

I know that I speak for all of the Members of the U.S. Senate, certainly, and all the people of the United States when we express our sincere sympathy to the families of those 38 men, who probably have spent most of their adult lives working in the coal mines of eastern Kentucky. This is a tremendous blow to Leslie County, because it is a county with a very small population. Its county seat of Hyden probably does not have a population larger than 800 people.

Leslie County is the home of probably one of the most remarkable organizations in the entire world, the Frontier Nursing Service, and I am sure that every one of those ladies were there all afternoon and all through the evening.

I would only hope that I could express the deep sympathy of myself and my senior Senator from the Commonwealth every Member of the U.S. Senate, and every person in this Nation in offering our profound sympathy to the families of those 38 extremely remarkable men in eastern Kentucky, who spent their lives at the hardest labor, in the hardest of tasks, to see that many thousands and millions of Americans can have light and heat, and can exist in a society that has made, in the past few years, ever more and more demands upon them.

I can only say that we in eastern Kentucky now understand how those in the State of West Virginia felt after a similar accident not too long ago.

Other than that, it is very difficult for one to express the way one feels.

Several Senators addressed the Chair.

Mr. COOK. I yield to my colleague (Mr. COOPER).

Mr. COOPER. Mr. President, I have previously placed in the RECORD a statement upon this tragedy, but it is correct that in this isolated but beautiful county, Leslie County, Ky., the worst coal mine disaster in the history of Kentucky occurred today. Despite desperate efforts of rescue workers to reach those trapped miners after the explosion, these 38 men were found dead. Investigation is proceeding by the Bureau of Mines, and the Governor of Kentucky is at the scene.

All I can say tonight is that our hearts go out to the widows and children and the families of those men.

Several Senators addressed the Chair.

Mr. COOK. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, as one who worked in the mines of Montana, Idaho, and Arizona for approximately 10 years, in hardrock copper mines, quite different from coal mining, but I think similar enough to give me an understanding of what the two distinguished Senators from Kentucky have just brought

to the attention of the Senate, may I say, as the majority leader of this body, that the whole Senate feels as do the Senators from Kentucky, just as we did at the time of the great tragedy in West Virginia. I know that I speak for all of us, Republican and Democrat alike, when I say that we extend to the families of these victims, the men who died in this horrible tragedy, our deepest solace and our most sincere sympathy.

Mr. COOK. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the majority leader has spoken for all of us in expressing our sympathy. I woud like to add just one point. I am the ranking member of the committee that worked out and got passed the coal mine safety bill. I notice my distinguished colleague from West Virginia, who was the other part of that team, on his feet also.

I can assure the Senator from Kentucky if it is of any solace, though I know the situation is too tragic for that, that we certainly will dig into the question with the greatest urgency, in order to find out what is wrong with our own handiwork, if any fault can be attributed to it.

Mr. COOPER. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, on November 20, 1968, near Farmington, in W. Va., 78 coal miners lost their lives while engaged in the production of bituminous coal. This was a terrible disaster for all the people of our State. We mourned not only for the miners who lost their lives, but for their families and friends who had to carry on. As Senators know, this tragic accident was a stimulus at that time, and properly so, for action in the Congress of the United States and the executive branch to strengthen the inadequate laws which were on the statute books providing for the health and safety of coal miners throughout our Nation, but especially in the Appalachian region of which Kentucky, Tennessee, Virginia, Pennsylvania, Maryland, and West Virginia are the major part.

I know that Dr. Elburt Osborn, the newly confirmed Director of the U.S. Bureau of Mines, feels tonight, as we do, a deep sadness as he directs the inspectors and officials of the Bureau of Mines at the mine site. They have joined other Federal, State, and local officials in what is now a futile rescue effort. Earlier there was thought to be a hope—a possibility—of rescue. But, as the Senators from Kentucky have stated, in this explosion apparently there is now no possibility of survival.

The Coal Mine Health and Safety Act—and I will speak only briefly of this—to which the able Senator from New York (Mr. JAVITS), the ranking member of the Committee on Labor and Public Welfare, has referred was a very genuine effort made within our committee, to strengthen health and safety law and to improve working conditions for miners. A vital part of this endeavor was the authorization of funds for a substantially larger force of qualified inspectors. There are now 236 Federal inspectors, with another 176 in training, and 106 in the processing phase. The ultimate goal of the Bureau of Mines is approximately 700 inspectors.

Now, as this act rather slowly comes into effect—in part because inspectors must, of course, be thoroughly screened and trained—we are made conscious again by the accident in Kentucky, of the hazard under which tens of thousands of coal miners as well as other miners throughout the United States go into the earth to bring forth the fuels to heat and energize America.

We can say nothing tonight except that there must be a continuing and full commitment to do everything possible within all levels of government, utilizing all of the skills and technology, and understanding of the elements of health and safety, to cause a lessening of tragic accidents such as the Senators from Kentucky have brought to our attention in this Chamber tonight.

We must continue our efforts to insure the health and safety of miners and all workers. The Coal Mine Health and Safety Act was passed last year. Yesterday, the President signed the Occupational Safety and Health Act, which also was brought to the Senate by the Labor and Public Welfare Committee. It is my belief that the committees with jurisdiction and the Congress must conduct a continuing review of the enforcement and the funding levels of these measures.

I might point out that our continuing concern for the workers of this Nation was manifested Monday night when the Senate approved an amendment offered by the Senator from Oklahoma and me to raise combined payments of social security and workmen's compensation to a disabled worker from 80 percent to 100 percent of his average earnings prior to disability. By a vote of 46 to 20, the Senate recognized in part the needs of thousands of miners and workers who are totally disabled while on the job and who find themselves unable to earn a living.

Mr. President, I add my very sincere understanding of this tragedy in Kentucky and my hope for better health and safety programs. We must work to stop, insofar as possible, the recurrence of such a tragedy. I am sure that all Members of Congress want to make their contribution toward that end.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BYRD of West Virginia. Mr. President, I join with my senior colleague in expressing our understanding for the concern that has been stated on the floor of the Senate tonight by the two able Senators from Kentucky. We want to assure them that we extend our sympathy to the people of the great State of Kentucky, and especially to the families of those men who have lost their lives, in this time of great sorrow.

Mr. COOK. I thank my colleagues for their expressions. I am sorry that we had to make this pronouncement to the membership this evening.

I can only say to the senior Senator from West Virginia that it was my privilege to join him last night on that amendment. I hope that we, as a body politic, can look forward to the day when these occurrences will be at an absolute minimum in this Nation, so that men can go to work in the morning and their families can have a tremendous understanding and a tremendous realization that those men will come home each night.

I yield the floor.

THE UNDERSTANDING

Mr. DOLE. Mr. President, whenever President Nixon takes affirmative action in Southeast Asia or makes clear American policy, some rise up in righteous indignation.

Their latest howl of outrage came when the President, at his recent press conference, said the following:

> Now, there's been, I note, some speculation in the press, and also some charges from North Vietnam, that there is no understanding that reconnaissance planes are to fly over North Vietnam since the bombing halt was announced.
>
> I want to be very sure that that understanding is clear. First, President Johnson said there was such an understanding at the time of the bombing halt. Secretary Clifford did, and Ambassador Vance did.
>
> But if there is any misunderstanding, I want to indicate the understanding of this President with regard to the flying of reconnaissance planes over North Vietnam. I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there is any chance of a strike against those forces that remain, and we have to watch for the build-up.
>
> If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing. That is my understanding.

Mr. President, President Nixon's clear, unequivocal statement of his understanding and his restatement of U.S policy leaves no doubt in the minds of the world of American determination to reach an honorable peace in Vietnam.

To those who advocate retreat, however, the President's words were most alarming and they immediately set out to raise the old, spurious charge that he is escalating the war and is taking new steps that will only prolong it.

Well, it is time again to let the record speak for itself. It will not hush the superdoves, who are seldom swayed by fact, but perhaps it will again tell the American people that the credibility gap lies not with the current administration, but only with its enemies.

I ask unanimous consent to have printed at this point in the RECORD the following collection of statements on the public record by officials of the Johnson administration concerning the understanding with the Government of North Vietnam on U.S. aerial reconnaissance flights over North Vietnam after the bombing halt announced on October 31, 1968. These are statements made by Secretary of Defense Clark Clifford on November 12, 1968; again on November 24, 1968; again on December 15, 1968; a statement made by Ambassador Vance on December 3, 1968; a statement by Acting Secretary of State Nicholas Katzenbach on November 13, 1968; and a statement of Dr. Harold Brown, Secretary of the Air Force, on November 4, 1968.

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

COLLECTION OF STATEMENTS

Clark Clifford, Secretary of Defense (Press Conference, Pentagon—November 12, 1968):

Q. "Sir, would you speak to the charges made by several writers that the Administration knew before they made the bombing halt and the announcement of the agreement of the 31st that the South Vietnamese Government would not go along with the talks in Paris and would you speak to whether you think the South Vietnamese Government has dealt brusquely with our diplomats?"

A. ". . . Now, also in addition to that, Saigon was kept fully posed on what the other arrangements were that we were working toward; that is, some understanding about the DMZ; and understanding with reference to the cities. We went through long talks having to do with reconnaissance. They were kept fully informed."

Clark Clifford, Secretary of Defense (Issues and Answers ABC–TV—November 24, 1968):

Q. "Mr. Secretary, the North Vietnamese are claiming that we are violating the understanding by continuing reconnaissance flights. Do we have any intentions of stopping such flights?"

A. "We do not. It is exceedingly important to the President that he knows what's going on in North Vietnam. If there were some unusual type of buildup there either from the standpoint of men or material of war, he must know about it at once. In the Paris conversations for all these many months, it was made very clear to the representatives of North Vietnam that we would continue to maintain reconnaissance. We do it daily, we do it all the time. We are keeping very close track of just what goes on so that in the event any development takes place that increases the jeopardy of our troops, then we might very well have to take action."

* * * * *

"If Hanoi wants to show its good faith by meeting the requirements of those talks and agreeing with the general understanding, then he is willing to proceed. If they, at some time, show us that they are not serious and that they are not proceeding with good faith, I have no doubt whatsoever that the President will have to return to our former concept and that is to keep the pressure on the enemy and that would include bombing if necessary."

* * * * *

Clark Clifford, Secretary of Defense (Face the Nation CBS–TV—December 15, 1968): "The situation is that we had certain understandings reached with the North Vietnamese in Paris. They involved the DMZ and the shelling of the cities and the question of reconnaissance. There is the area of agreement."

Ambassador Cyrus Vance—Deputy Chief of the U.S. Paris Delegation (Interview by the British Broadcasting Corporation—December 3, 1968):

Q. "In their press conference in Paris, the North Vietnamese claim that you have no right to go in for reconnaissance flights."

A. "We made it very clear at the time that we stopped the bombardments that we were stopping all bombardments and all other acts involving the use of force against the territory of North Vietnam. The conducting of reconnaissance is not an act involving the use of force, and is therefore, very clearly within what we told the North Vietnamese we were going to do."

Nicholas Katzenbach, Acting Secretary of State (Statement issued in his name by Department spokesman—November 13, 1968): "The agreement with respect to representation was that there was to be two sides at the table, the U.S. and the GVN on one side—North Vietnam and whomever it wished to include on the other side. The presence of the NLF on North Vietnam's side did not involve recognition in any form. The U.S. had also not agreed to stop reconnaissance missions over North Vietnam."

Dr. Harold Brown, Secretary of the Air Force (NBC–TV Interview—November 4, 1968): "The Joint Chiefs of Staff made their recommendations to the President and they told him this was a perfectly acceptable military risk and that they thought the action should be taken at this time in view of the military situation, the improvement in the military situation, the fact that we will continue reconnaissance, and the authority given to General Abrams to react to any threat to his troops."

THE 18-YEAR-OLD VOTE

Mr. ALLEN. Mr. President, in this morning's Washington Post appeared an interesting and most persuasive article by Merlo J. Pusey, entitled "Court's Clouding of the 18-Year-Old Vote." In this article, Mr. Pusey analyzes the decision or decisions and the opinion or opinions of the Court with respect to the constitutionality of the 18-year-old vote provision of the Voting Rights Act amendment. He comments that the effect is to leave the 18-year-old vote law hanging by the flimsiest thread and that the clean and proper way to lower the voting age to 18 was and is a constitutional amendment.

The distinguished senior Senator from West Virginia (Mr. RANDOLPH), who has been sponsoring the 18-year-old vote and fought for it over many years, had Senate Joint Resolution 147 pending in the Senate at the time the 18-year-old vote amendment was added to the voting rights bill of 1965. The junior Senator from Alabama, on several occasions during the debate on that issue, urged that that amendment submitting a constitutional amendment to the States be given attention and that action be taken in the Senate on that measure.

There are some 73 sponsors of the amendment. It would be an easy thing to have gotten action on the amendment. By now it would be out among the States receiving ratification by the States. Instead, the amendment was added and now the Supreme Court has clouded the issue considerably and, as Mr. Pusey has stated:

> The effect is to leave the 18-year-old vote law hanging by the flimsiest thread.

This was only a 5 to 4 decision, and in the event there should be vacancies on the Supreme Court, it is entirely possible that this decision could be overturned in the years to come. So it still needs a constitutional amendment, not just a constitutional amendment applicable to State and local elections, but a constitutional amendment applicable also to the vote by 18-year-olds in Federal elections, because the matter really has not been decided for all time as would be the case with a constitutional amendment.

Now the distinguished Senator from West Virginia (Mr. RANDOLPH) plans to reintroduce the measure—which is entitled in this Congress Senate Joint Resolution 147—in the 92d Congress. I am proud to state that the junior Senator from Alabama was a cosponsor of Senate Joint Resolution 147 in this Congress, and he is going to be a cosponsor, at the kind invitation of the distinguished Senator from West Virginia, of the amendment which he proposes to offer in the next Congress. It will apply to the vote by 18-year-olds in Federal, State, and local elections, which is what Senate Joint Resolution 147 provided for, and it will be the same measure which he will introduce in the next Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article by Merlo J. Pusey entitled "Court's Clouding of the 18-Year-Old Vote."

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

COURT'S CLOUDING OF THE 18-YEAR VOTE

(By Merlo J. Pusey)

Will the Supreme Court's decision in the 18-year-old vote case prove to be another "self-inflicted wound"? That term was originally used by Charles Evans Hughes, later Chief Justice, to describe the consequences of the Dred Scott decision and various others that brought disrepute upon the court. The current decision has proved to be popular, insofar as it permits citizens aged 18 to 21 to vote in national elections, but five wide-ranging opinions from the justices have churned the law on voter qualifications into a chaotic state.

The decision had to be communicated to the public with no one really speaking for the Supreme Court. Justice Black announced the judgment that 18-year-olds could vote in national but not in state and local elections; not one of his colleagues joined him in the opinion he wrote. Justices Brennan, White and Marshall (and Justice Douglas in a separate opinion) argued with considerable force that the equal protection clause of the Fourteenth Amendment is broad enough to allow Congress to override all laws fixing the voting age at 21. Justice Stewart, with the support of Chief Justice Burger and Justice Blackmun, accepted the Black thesis that the Constitution obviously leaves voter qualifications in local elections to the states (except in cases of invidious discrimination) but they parted company with Justice Black by insisting that the Constitution means what it says in providing that voter qualifications in congressional elections shall be the same as those for the most numerous branch of the state legislature. Justice Harlan rejected the basic idea of applying the equal protection clause to voter cases.

The effect is to leave the 18-year-old vote law hanging by the flimsiest thread. Justice Black acknowledged that the founding fathers had tied together voter qualifications in congressional elections and in state elections. Then he proceeded to pull them apart. His performance must be regarded as one of the strangest feats in the long history of American jurisprudence.

Where did the justice find authority for this bizarre conclusion? Article I, Section 4, of the Constitution provides—

The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations. . . .

Justice Black read this as giving Congress sweeping authority over federal elections. But it says nothing whatsoever about any authority for Congress to change the qualifications of voters in defiance of the language in other parts of the Constitution.

Justice Stewart pointed out that the founding fathers were well acquainted with the word "qualifications." They used it in Article I, Section 2, when they said in very specific terms who was entitled to vote in congressional elections. They did not give Congress any authority to alter this section. Madison, Mason and others argued vehe-

mently in the Constitutional Convention against giving Congress power to fix voter qualifications, and the Committee on Detail voted seven to one against a motion to let Congress exercise such power. On the basis of this Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the face of this history and the unquestioned language of the Constitution itself, the real question before the court was whether enactment of the Fourteenth Amendment gave Congress power it did not previously have to fix a national and state age limit for voters. Justice Brennan and his supporters did not pretend to find anything specific in the Fourteenth Amendment giving Congress such power. They acknowledged that the authors of the equal protection clause "papered over their differences with . . . broad, elastic language." These justices were willing to let Congress inflate that "elastic language" into a balloon because they believe in the primacy of federal power.

Justice Black, to his credit, was not willing to go that far. But having substantially deflated the balloon fashioned from "elastic language," he turned and seemed to cut the ground from beneath his own position:

As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution.

Congress has, however, with Justice Black's approbation, repealed that portion of Article I, Section 2, which prescribes the qualifications of voters in congressional elections. The whole thrust of Justice Black's lone opinion is to allow Congress to do what he later says that it may not do. He goes on to recognize that "Congress has exceeded its powers in attempting to lower the voting age in state and local elections," without acknowledging that the Constitution puts federal voting qualifications in the same package. It is difficult to avoid the conclusion that he is willing to stretch with the elasticity school in the case of national elections because he regards congressional control over national voter qualifications appropriate in 1970 regardless of what the founding fathers may have written into the Constitution nearly two centuries ago.

In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself.

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it is characteristic of the Senator from Alabama to mention the efforts being made by others in this matter of 18-year-old voting. As has been stated, Senate Joint Resolution 147, on which very thorough hearings were held during the 91st Congress, were reported favorably by the subcommittee chaired by the able Senator from Indiana (Mr. BAYH) to the full Judiciary Committee. There are many persons may I say, who felt that the Senate should have gone ahead and acted on the Senate joint resolution.

Mr. ALLEN. I agree with the distinguished Senator.

Mr. RANDOLPH. I know that the Senator from Alabama felt that that was necessary. We did feel there was a large question mark in reference to the statutory approach to lowering the voting age for Federal, State and local levels elections. As the Senator has indicated tonight, the issue has been split up and down the middle, in a sense. And there is still, perhaps a smaller question mark remaining, not only for voting at the State level by 18 year olds, but even at the Federal levels as well.

It is a complex situation. The Senator from Alabama has been very thoughtful, as he always is, especially to mention that I shall introduce the resolution again on the first day of the 92d Congress. I am grateful that same 75 Members of the Senate have sponsored with me this present and pending Senate Joint Resolution 147. The Senator from Alabama is one of them, and my able colleague from West Virginia (Mr. BYRD) is another. We have the votes to approve the resolution when it is introduced in the first session of the 92d Congress, with perhaps 80 Members as cosponsors. Even though we know there has been some difference of approach, there is a strong feeling in Congress, not only in this body but also in the House, that we must insure permanently the right of 18-year-olds to vote—an element of our population whose voice and vote needs to be heard and needs to be recorded.

I think that we have acted here in debate, as responsible Members of the Senate, in coming to grips with the realization that we must complete the task which has been started.

I feel, sometimes, that we should not indulge in nostalgia. But I mention the time when I brought a southerner from Georgia to Washington, D.C. He came at my invitation. Ellis Arnall, the Governor of that State, who talked about what had been done there in the 18-year-old voting. It has been good for Georgia as it has been good for Kentucky. It has been good for a different figure—20 years, 19 years—Alaska and Hawaii at the different voting age levels of 19 and 20. Alaska has, of course, voted to lower the voting age to 18 now.

I think generally the lower voting age will be good for America because it will insure a contribution by young people, with their reasoning and thinking combined with that of older persons.

It was in 1942 that I introduced that first constitutional amendment, while I was a Member of the House of Representatives from the Second District of West Virgina. I know that my colleague from Alabama would like, tonight, to hope with me, that even though we were unable to accomplish the constitutional amendment approach in the 91st Congress, it will be a matter of major importance and paramount attention by the Senate and the House early—hopefully in January—but not later than February or in March, of 1971.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from West Virginia for his remarks. I want to extend again my sincere appreciation for his efforts over the last three decades to accomplish this most needed reform. It does appear that the time has come for this matter to be resolved in the proper fashion by a constitutional amendment.

I am delighted that the senior Senator from West Virginia is again taking the lead, as he has done for almost 30 years, in pushing a constitutional amendment that will accomplish this most needed reform.

The five opinions of the five Justices of the Supreme Court with respect to this case were printed in the CONGRESSIONAL RECORD on the very day the opinion was handed down by the Supreme Court. I had the interesting pleasure over the holidays of reading those opinions. I was particularly impressed with an opinion of Mr. Justice Harlan. In the humble opinion of the junior Senator from Alabama that opinion should have been the opinion speaking for a majority of the court, because he gives a history of the 14th amendment and shows that under no stretch of the imagination would Congress be authorized to pass an 18-year-old voting provision by statute.

The junior Senator from Alabama, while this matter was under debate, pointed out on several occasions that the Constitution of the United States in several places, at least five, indicates very positively that the States have the right to set the qualifications for electors. And as pointed out by Mr. Justice Harlan, that right has really never been questioned until after the 14th amendment was passed. And he was unable to find anything in the 14th amendment that would have permitted Congress to pass this 18-year-old provision by statute.

Article I, section 2 of the Constitution having to do with the election of Congressmen; article II, section 1 having to do with the Presidential electors; amendment 10; amendment 17, having to do with United States Senators; and in the 14th amendment itself, it speaks of the States denying the right to vote to citizens 21 years of age or over.

Mr. President, I would like to read for the RECORD article I, section 2 of the Constitution:

> The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That means that those who are entitled to vote for Congressmen should have the qualifications requisite for electors of the most numerous branch of the State legislature. Yet this 5-to-4 decision would provide separate rules for national elections and for State elections, when article 1, section 2 says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors of each State for the House of Representatives shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

So the majority opinion says the States can set the qualifications for voting for the State legislature election. They can

set that, but the express wording of the section says that the electors voting for candidates for the House of Representatives shall have the same qualifications.

Yet the Supreme Court in its inimitable fashion of leaving a legal question in greater confusion and greater doubt by its decision has set up two separate rules—one set for the State and local elections, and another set for the Congress for national elections when the article itself says that the electors for Congressmen—that is the people who vote and it is not talking about presidential electors, but the electors for Congressmen—shall have the same qualifications as electors for the State legislature. That shows that they should have a uniform plan and not two separate standards. Yet, that is what the Supreme Court has given us.

I favor the principle of 18-year-old voting. I still want to see that accomplished by a constitutional amendment. That is the reason that during the next Congress I am hopeful that the amendment to be proposed by the distinguished senior Senator from West Virginia (Mr. RANDOLPH) providing for 18-year-old voting in national, State, and local elections will be submitted by the Congress and that the States will be given an opportunity to vote on that amendment and that this question can be resolved properly and in a lasting fashion, free from the confusion in which we are left by the decision of the Supreme Court.

Mr. President, I yield the floor.

INTRODUCTION OF A BILL

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself, Mr. PASTORE, and Mr. CANNON):

S. 4607. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; referred jointly to the Committees on Commerce, Rules and Administration, and Finance, with instructions.

(The remarks of Mr. MANSFIELD when he introduced the bill appear immediately below.)

S. 4607—INTRODUCTION OF THE "FEDERAL ELECTION CAMPAIGN ACT OF 1970"

Mr. MANSFIELD. Mr. President, I introduce a bill on behalf of Senator PASTORE, Senator CANNON, and myself and ask unanimous consent that it be referred simultaneously to the Committees on Commerce, Rules, and Finance and when the bill shall have been first reported from a committee, it shall be referred to the other two committees in the form reported with instructions to report back within 45 days.

The PRESIDING OFFICER (Mr. STEVENS). The bill will be received; and, without objection, the bill will be referred, with instructions, as requested by the Senator from Montana.

The bill (S. 4607) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, was reintroduced by Mr. MANSFIELD (for himself, Mr. PASTORE, and Mr. CANNON), was received, read twice by its title, and referred simultaneously to the Committees on Commerce, Rules and Administration, and Finance.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 10 o'clock and 19 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 31, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 30 (legislative day of December 28), 1970:

NATIONAL RAILROAD PASSENGER CORPORATION

The following-named persons to be incorporators of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970:

Frank S. Besson, Jr., of Virginia.
David E. Bradshaw, of Illinois.
John J. Gilhooley, of New York.
David Walbridge Kendall, of Michigan.
Arthur D. Lewis, of Connecticut.
Charles Luna, of Ohio.
Catherine May, of Washington.
John P. Olsson, of Connecticut.

HOUSE OF REPRESENTATIVES—*Wednesday, December 30, 1970*

The House met at 12 o'clock noon.

Pastor Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

You know how to interpret the appearance of the sky, but you cannot interpret the signs of the times.—Matthew 16: 3 (RSV).

Lord, we come to Thee because Thou alone knowest the secrets of time and space. Be with us now and guide us by Thy presence that we may perceive the meaning of the events of our day. Thanking Thee for those who serve in the Congress of the United States, we pray that they will seek and find strength and wisdom from Thee. So lead them that we as a nation might fulfill our divine destiny.

Work by Thy spirit through them and upon this Nation and our world that the energies of man may be turned from all that is destructive and be dedicated to peace and good will.

Give, we pray, the comfort of Thine assured presence to families and friends of those who have transferred citizenship from this world to another, especially the Members of this body who mourn the passing of a fellow Member. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report;

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women"; and

H. Con. Res. 797. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4605.

The message also announced that the Senate had passed a resolution of the following title:

S. RES. 500

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable L. Mendel Rivers, late a Representative from the State of South Carolina.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

The message also announced that the Senate had tabled 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) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

And that the Senate disagrees to the amendment of the House to Senate amendment No. 14 to the above-entitled bill.

And that the Senate further insists upon its amendments to the above-entitled bill, disagreed to by the House and requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr CASE, Mrs. SMITH, Mr. ALLOTT, and Mr COTTON be the conferees on the part of the Senate.